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HISTORICAL REVIEW

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NEW MEXICO HISTORICAL REVIEW

Editors

FRANK D. REEVE

PAUL A. F. WALTER

Associates

PERCY M. BALDWIN

GEORGE P. HAMMOND

FRANCE V. SCHOLES

THEODOSIUS MEYER, O.F.M.

ARTHUR J. O. ANDERSON

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PALACE OF THE GOVERNORS, SANTA FE

January, 1948

Editors

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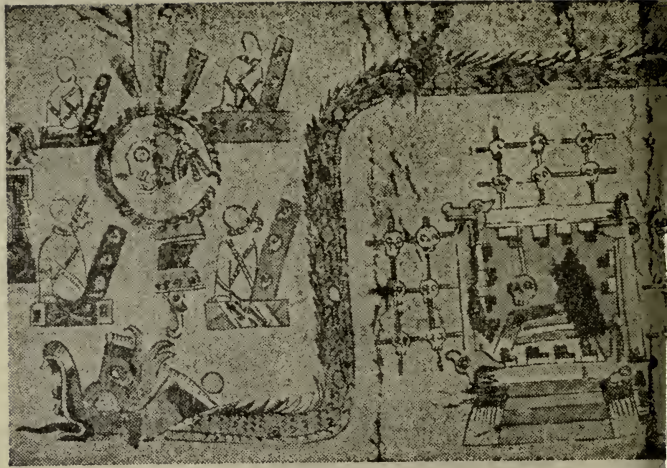
CODEX HALL, An Ancient Mexican Hieroglyphic Picture Manuscript. Commentary by Charles E. Dibble of the Department of Anthropology, University of Utah; silk screen facsimile reproductions of the Codex by Louie H. Ewing, Santa Fe, New Mexico. 17 plus v pp. \$10.00. Edition limited to 1500 copies.

In his introduction to Dr. Charles E. Dibble's commentary on the Codex, Dr. Sylvanus G. Morley, Associate of the Carnegie Institution of Washington and Director of the School of American Research and the Museum of New Mexico, states:

"In closing, I may add, that in my opinion, the *Codex Hall* dates from the immediate post-Conquest period, and I should point out further, that many of our most important Mexican hieroglyphic manuscripts also date from precisely this same period."

Dr. Charles E. Dibble, of the Department of Anthropology, University of Utah, analyzes and describes a previously unpublished codex dealing with ancient Aztec religious ritual. In it are pictured "The binding up of the Years," a ceremony to Tlaloc, the Rain God, an arrow sacrifice, a representation of fertility, and other Aztec religious ceremonies.

In addition to the seventeen text figures, the monograph is accompanied by actual-size, full-color, silk-screen reproductions,



CODEX HALL, PHOTO

At the left are shown four human bodies, swathed in mummy bundles, seated on thrones on which the "mummy bundles" are seated, indicating important warriors. The middle is devoted to a representation of sacrificial victims were preserved. At the extreme right

The nature of silk screen painting is such that each res

the work of Louie H. Ewing, of Santa Fe, New Mexico, who has become nationally known as an artist in this medium.

Mr. Manly P. Hall, Founder of the Philosophical Research Society and owner of the original Codex, says in his preface to the publication: "As far as can be learned, no reference to this Codex has ever appeared in the literature, and it is here reproduced and described for the first time."

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PH OF FIRST PLATE

teral bandages, the Aztec symbol denoting death. The rank of the deceased as having been that of rulers or of a *tzompanli*, or rack of human skulls, where the skulls were used in a fertility ceremony.

g plate is a personal and individual product of the artist.

“These contemporaneous written records of ancient America,” writes Dr. Sylvanus G. Morley in his introduction to Dr. Dibble’s commentary, “were never common, probably far more rare than the papyri of ancient Egypt; indeed only three such manuscripts are known to have survived from the Maya Civilization, and although many more are known from the Aztec, Mixtec, Zapotec, and other peoples of the central Mexican plateau region, the discovery of a new codex, as these hieroglyphic picture manuscripts are called, is a matter of first importance to the students of aboriginal American epigraphy.”

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NEW MEXICO HISTORICAL REVIEW

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No. 1

THE GALLEGOS RELACION RECONSIDERED

By FRAY ANGELICO CHAVEZ *

Introduction

FOR almost three centuries and a half, prior to the discovery and interpretation of Hernán Gallegos' *Relacion y concudio* of the 1581-1582 so-called Expedition, ancient as well as modern historians laid the blame for several sad occurrences on the soldiers who had accompanied the Franciscan friars Agustín Rodríguez, Francisco López, and Juan de Santa María. Depending on meager material extant in their day, and on the works of Mendieta, Salmerón, and others, men like Bancroft and Twitchell placed the responsibility for the death of the three friars on the "desertion" by Chamuscado and his eight soldiers.

A contrary view, which seems to have been unreservedly accepted in recent years, arose from the prominence given to Gallegos' *Relacion*, together with the *Cronica* of Obregon, and to two affidavits which Gallegos drew up, one after the departure of Fr. Juan de Santa María, the second when the other two friars later decided to stay in New Mexico.¹

* New Mexican poet and acting church archivist at the Cathedral, Santa Fe, New Mexico.

1. Gallegos, Hernán, *Relacion y concudio de el viage y subsejo que Francisco Chamuscado con ocho soldados sus compañeros hizo en el descubrimiento del Nuevo Mexico en Junio de 1581*. (Archivo General de Indias, Patronato, 1-1-3/22). An English translation in NEW MEXICO HISTORICAL REVIEW, II, 249-268; 334-362.

Obregón, Baltasar de, *Cronica comentario o relaciones de los descubrimientos antiguos y modernos de N. E. y del Nuevo Mexico, 1584*. (A. G. I., *ibid.*). Hammond and Rey, *Obregon's History* (Los Angeles, 1929); Mariano Cuevas, S. J., *Historia de Obregon* (Mexico, 1924).

As these are contemporary documents of an eye-witness, except Obregon's history, they hold priority over all other accounts, historically. The affidavits, it is claimed,

undoubtedly owe their existence to something more than the Spaniards' slavishness to red-tape. In them one detects a fear of the power of the Church, for the explorers knew that they would be criticised because of their leaving the friars alone among hostile natives. They sought, therefore, to protect themselves against possible accusations. But because of the great influence of the ecclesiastical historians, Mendieta and Torquemada, it appears that the soldiers were unsuccessful in clearing their names.²

In short, the verdict is that Fray Juan de Santa María left the Tanos pueblos without permission of his religious Superior in his bull-headed attempt to find a more direct route to New Spain and there report on the discoveries, while Fray Francisco López and Fray Agustín Rodríguez remained in Puaráy from a brave but foolhardy notion of converting the Indians all alone and possibly obtaining the crown of martyrdom.

I myself accepted this modern view, even after reading Father Engelhardt's objections to Dr. Mecham's conclusions and the latter's rebuttal.³ What led me to question this modern verdict, or rather its ancient sources, was not my affinity to the three frailes as a Franciscan, but one of those

The two affidavits are given by J. Lloyd Mecham, "Supplementary Documents Relating to The Chamuscado-Rodriguez Expedition," *Southwestern Historical Quarterly*, XXIX, 224-231.

2. It is unfortunate that Dr. Mecham, *op. cit.*, 225, makes this supposition in his otherwise admirable contributions in this matter. True, the explorers knew they would be criticised, and by others besides the Church, simply because they were far from innocent, as I will try to show from the *Relacion* itself and the affidavits.

Dr. Mecham's other valuable writings on the affair are: "The Second Spanish Expedition to New Mexico," *NMHR*, I, 265-291, and "The Martyrdom of Father Juan de Santa Maria," *Catholic Historical Review*, VI, 308-321. Also, his M. A. Thesis (University of California, 1917), *The Rodriguez Expedition into New Mexico*, which I have not seen.

Recently Fr. Marion Habig, O. F. M., kindly sent me photostats from Washington of a study by Fr. Otto Maas, in which the author ably reviews the controversy between Fr. Engelhardt and Dr. Mecham, the opinions of Hammond and others, concluding that it would be unjust to accuse the three friars of being light-headed and ill-advised in their conduct. But he contributes nothing new or original to the problem. "*Die Ersten Versuche einer Missionierung und Kolonisierung Neumexikos*," *Ibero-Amerikanisches Archiv (Januar 1933)*, 362-363.

3. Fr. Zephyrin Engelhardt, "El Yllustre Señor Chamuscado," *SHQ*, XXIX, 296-309. Mecham's reply, *ibid.*, 299-300.

The isolation of New Mexico which was such an obstacle to development was also a hindrance to the missionaries in matters of ecclesiastical administration. They were under the jurisdiction of the bishop of Zacatecas. In 1634 favorable action was taken both in Rome and Spain for the creation of a bishopric at Santa Fe. Unfortunately, the crown decided to consult the viceroy and the archbishop at Mexico City before reaching a final decision, and nothing was ever heard of the matter again.¹² It was only after New Mexico became a part of the United States that the bishopric of Santa Fe was established, with Father Lamy as its first bishop.

Some twenty years later the Dominicans also sought permission to extend their activities to New Mexico, but they were refused because of the opposition of the Franciscans. See F. W. Hodge, G. P. Hammond, and A. Rey, *Fray Alonso de Benavides' Memorial of 1634*, Albuquerque, 1945, pp. 131-132. Alonso de Oñate, brother of Don Juan, is very critical of the Franciscans because of their tendency to exclude native friars from important posts (A. G. I., 59-1-2).

12. See Hodge, Hammond, and Rey, *The Benavides' Memorial of 1634*, pp. 150-153.

ANCESTRY AND SOME DESCENDANTS OF WILLIAM GREGG I

By HOWARD T. DIMICK

I. Introductory

WILLIAM GREGG I is the genarch in America of a line of Greggs numbering many individuals of talent and some of marked distinction. Among the distinguished are William Gregg who introduced cotton mills in the Graniteville district of South Carolina, Brigadier-General John Gregg of Alabama and Texas, and Josiah Gregg, Santa Fe trader and early American explorer, quondam resident of Santa Fe, whose Western travels and death in the wilderness of northern California are items of Americana still green in the minds of New Mexicans.¹

II

William Gregg I [William the Quaker] was one of the three earliest Gregg arrivals in the American colonies, having settled in the Christiana Hundred of Delaware in the period 1680-1682. Although some of his descendants have claimed that he came to the colonies from Scotland, I am of the opinion that he lived for many years in Ireland prior to his emigration, residing in the Londonderry district of Ulster.²

The tale extant in some quarters that William Gregg I came to the colonies with William Penn is no doubt apo-

1. J. S. Buckingham, *The Slave States of America* (2 vols., Fisher, Son & Co., London, 1842), I, 43; R. S. Cotterill, *The Old South; . . .* (The Arthur H. Clark Co., Glendale, 1936), 197; W. F. Cash, *The Mind of the South* (Alfred A. Knopf, New York, 1941), 78; Josiah Gregg, *Diary & Letters: Southwestern Enterprises, . . .* (Univ. of Okla. Press, Norman, 1941), 1-72, cited hereinafter as *Diary & Letters, I*; Josiah Gregg, *Diary & Letters: Excursions in Mexico and California, . . .* (Norman, 1944), 361-379, cited hereinafter as *Diary & Letters, II*.

2. *Biographical and Genealogical History of the State of Delaware* (2 vols., J. M. Runk, Chambersburg, 1899), I, 640; Henry C. Conrad, *History of the State of Delaware* (3 vols., Wilmington, 1908), II, 462, 481. It is believed that William Gregg I went to Ireland about the time of the Cromwellian civil war.

cryptal, and the myth turns on the point of Gregg's being a Quaker. It is far more probable, however, that William Gregg had no connection with William Penn, but emigrated to the colonies directly from Londonderry, Ireland, and landed at New Castle, Delaware, from which incident he is sometimes called William Gregg of New Castle. At any rate, he was a very old man, a widower, at the time of his arrival, and had four children: John, Ann, George, and Richard Gregg.³ The children of John Gregg, son of William Gregg I, are of especial interest.

John Gregg married Elizabeth Cook, and their children were:

William Gregg II,
 Thomas who married Dinah Harlan,
 Joseph who married Hannah Beeson,
 Samuel I who married Ann Robinson,
 Hannah who married George Robinson,
 Rebecca who married — Spragg (Sprague),
 Amy who married Joseph Hadley.

William Gregg II married Margery Hinkey. Her father's name is believed to have been Herman Hinke or Heinke corrupted to Hinkey.⁴ William II married a second time, his second wife having been Anne Woodnut. By Margery Hinkey William Gregg II had four sons of importance in this account: Herman, William III, Joshua, and Jacob Gregg.

Jacob Gregg married Mary Polly Hatcher,⁵ and among their four sons were two of direct interest: Harman [probably Herman] and John Gregg. Harman [Harmon] married Susannah Schmeltzer (spelled Smelsor) and of their large family two sons, John and Josiah Gregg, are of particular interest.⁶ John Gregg, brother of Harman, married

3. *Family records of Mrs. Louise P. Bosworth; Howard T. Dimick, "Four Johns Gregg of Texas" in The Southwestern Historical Quarterly: to be published, probably in 1947. Mrs. Bosworth, a Gregg genealogist, is a descendant of William Gregg I.*

4. Margery's father was a German scientist; she was a granddaughter of Augustine Herman.

5. She was usually known as Polly Hatcher.

6. Josiah Gregg, *Diary & Letters*, I, 1-72; *Pennsylvania Archives*, 3 Ser., (29 vols. and index, William S. Ray, Harrisburg, 1894-1899), XXI (Schmeltzer), XVII (Smelsor), XVIII, XXVI (Smeltzer), *passim*.

Catherine Grotts of Illinois, and later settled in Texas, residing in the Sulphur Bluff area of what is now Hopkins County.⁷ John and Josiah Gregg, sons of Harman Gregg and Susannah Schmeltzer, were engaged in the Santa Fe trade between Northern Mexico and the United States.⁸ Josiah Gregg on December 20, 1850, rediscovered Humboldt Bay, California.⁹

III

In the decade 1753-1763 four Gregg brothers were born near Winchester, Virginia. Their birth is established by entries in a family bible, but since the word "near" is elastic when applied to the pioneer country there is the problem of whether they were born on Virginia soil or over the line in Maryland. The four brothers, Nathan, James, William, and Samuel Gregg, were descendants of William Gregg I of Delaware.¹⁰ They were of the fourth generation in America, but their father has not yet been identified in the line.¹¹ Whether or not their mother was a Virginian is still undetermined, but it is certain that Greggs of their line were in Virginia after 1750 as shown by the birth of their cousin John Gregg, brother of Harman Gregg, near Petersburg, Virginia, on December 3, 1780.¹² Of the children of William Gregg II one son, Joshua Gregg, was twice married, but the name of his first wife and a record of their children are not available. For that reason it has been assumed that he may have been the father of the four Gregg brothers born near Winchester.

7. Gregg family records. Courtesy of Frank Gregg, Birthright, Texas.

8. Josiah Gregg, *Diary & Letters*, I, 1-75; Howard T. Dimick, "Reconsideration of the Death of Josiah Gregg" in *NEW MEXICO HISTORICAL REVIEW*, XXII, 276, 315-316.

9. *Ibid.*, I, 126-127; *Diary & Letters*, II, 361-379; Howard T. Dimick, "Visits of Josiah Gregg to Louisiana, 1841-1847," in *The Louisiana Historical Quarterly*, XXIX, 4; Dimick, "Reconsideration of the Death of Josiah Gregg," *loc. cit.*, XXII, 278, 279.

10. *Family bible* of Jane Gregg Gammon (records of Mrs. Louise P. Bosworth). Jane Gregg, daughter of Nathan Gregg of the four brothers, married George Gammon and lived in Sullivan County, Tennessee.

11. Destruction of records during and since the Civil War has made the research into the paternity of the four Gregg brothers slow and so far unproductive.

12. Gregg family records.

IV

Of the four Gregg brothers Nathan and James are of especial importance in this account. Nathan Gregg married Annis Gamble and there were several children: Jane, James G., and Nathan who remained in Tennessee.¹³ Jane also remained in Tennessee, but James G. emigrated, and will be mentioned again. James Gregg of the four brothers married Rachel McClellan, and their eldest son was Nathan Gregg who settled in Lawrence County, Alabama, in the period 1821-1823.¹⁴

Nathan Gregg of Alabama married Sarah Pearsall Camp, a widow, and among their children was John Gregg, afterwards the famous brigadier of Lee's army who on August 16, 1864, saved Richmond from capture, and whose death near Richmond on October 7 of that year was regarded as a calamitous event in the fortunes of the Confederacy.¹⁵

James G. Gregg, son of Nathan and Annis Gamble Gregg, married Mary Baker. Two of their children, George Gammon Gregg and Endymion Baker Gregg, are of importance as cousins of the children of Harman Gregg of Missouri and Nathan Gregg of Lawrence County, Alabama. The children of James G. and Mary Baker Gregg early recognized a blood relationship to the Missouri and Alabama branches of the Gregg family. James G. Gregg moved to Fayetteville, Arkansas, in 1837. While living there his sons George Gammon and Endymion B. Gregg were in touch with the Missouri family, and George Gammon Gregg thought of joining one of Josiah Gregg's Santa Fe caravans. In-

13. Oliver Taylor, *Historic Sullivan: A History of Sullivan County, Tennessee* . . . (The King Prtg. Co., Bristol, 1909), 200-201.

14. James Edmonds Saunders, *Early Settlers of Alabama* (Graham & Sons, New Orleans, 1899), 200; Thomas McAdory Owen, *History of Alabama and Dictionary of Alabama Biography* (4 vols., S. J. Clarke Co., Chicago, 1921), III, 704.

15. Charles W. Field, "Campaign of 1864 and 1865" in *Southern Historical Society Papers*, XIV, 553, 558; Douglas S. Freeman, *R. E. Lee, A Biography* (4 vols., Charles Scribner's Sons, New York, 1935-1941), III, 509 (note); report of Robert E. Lee to James A. Seddon, October 7, 1864, in *Official Records*, Ser. I, XLII, Pt. I, 852.

A biographical and military history of Brigadier-General John Gregg is now in preparation.

stead, however, George G. Gregg settled at Marshall, Texas, about 1841, and went into the mercantile business there; Endymion B. Gregg followed him there a few years later.¹⁶

Both the Missouri and Alabama branches early recognized a blood relationship to the Greggs at Marshall, Texas, and at one time or another John and Josiah Gregg of Harman's family and John and Edward Pearsall Gregg of Nathan's family visited their cousins at Marshall. Among the children of George Gammon Gregg there was recognition of a remote grandfather (forefather) William Gregg—probably William Gregg II.¹⁷

V

John Gregg, son of William Gregg I of Delaware, married Elizabeth Cook and his children have already been named in Section II. His son Samuel Gregg I married Ann Robinson. They had one child Samuel Gregg II. Samuel Gregg II married Dinah Chandler. Their children were:

Samuel III, Jesse, Thomas, and Mary.

Samuel Gregg III married Ann C. Walraven (first wife) and Sarah Sutton (second wife). By Ann Walraven he had: Peter Walraven, Anna C., and Samuel IV.

By Sarah Sutton he had one daughter Mary Sutton Gregg.

Samuel Gregg IV is not known to have married, and the succession of Samuels Gregg must on that account be broken and the eldest son of Samuel Gregg III, Peter Walraven Gregg, must be substituted. Peter W. Gregg married Mary A. Shields, and they had:

Samuel V, Lydia, and Anna C.

Samuel Gregg V married Margaret A. Chandler, and they had:

Elsie, Willard S., Elizabeth, Irwin W., Joseph C., and Helen H.

16. *Family bible* of George Gammon and Mary Wilson Gregg; records of Mrs. Louise P. Bosworth; Gregg family records. George G. Gregg was the writer's matrilineal grandfather. Endymion B. Gregg was the matrilineal grandfather of Mrs. Louise B. Bosworth.

17. Gregg family records and reminiscence.

It was from records preserved by these descendants of John Gregg, son of William Gregg I, that I found means of definitely tracing the ancestry of William Gregg I of Delaware.¹⁸

VI

Handed down from John Gregg, who had come to the colonies from Ireland with his father, was a motto ascribed to "ancient Celtic kings" which read: *Srioghal mo dhream een do*, and was said to mean "spare not."¹⁹

Inspection of the motto reveals that there is a linguistic discordance or anomaly between the words *Srioghal mo dhream* and the words *een do*. "Spare not" given as the meaning of the motto is questionable. It would appear that there are too many words in the motto merely to mean "spare not." Impressed by these conclusions, I sought to learn whether such a motto might be found on the arms of the Gregory or the Gregor families (particularly the Clan Mac Gregor). Aided by The Library of Congress, I found that the pseudo motto was in fact *two* mottoes in combination, one much older than the other. A part of the older motto was given as the meaning of the combination. Both mottoes were traceable to the arms of the Clan Mac Gregor of the Scottish Highlands. They had become garbled in the process of being handed down through the Gregg generations, and were attributed to ancient Celtic royalty as late as 1899. It was evident that these mottoes preserved but misunderstood were not the glib findings of venal genealogists but were legitimate items of the Gregg family records. From them, therefore, the true ancestry of William Gregg I [William the Quaker] and his descendants could be taken back to Gregor Alpin — third son of King Alpin — who founded Clan Mac Gregor, and to Gregor Alpin's eldest son Doungeal Gregor who became the first Mac Gregor.²⁰

18. The descendants of John Gregg are given from *Biographical and Genealogical History of the State of Delaware*, I, 640-641. By courtesy of The Historical Society of Pennsylvania.

19. *Ibid.*, I, 641; James Fairbairn, *Fairbairn's Crests . . .* (Heraldic Pub. Co., New York, 1911), 589.

20. Alexander Nisbet, *Heraldic Plates . . .* (George Waterston & Sons, Edinburgh, 1892), 157-161; George Eyre-Todd, *The Highland Clans of Scotland* (2 vols., D.

The older Mac Gregor motto was found to be *Ein doe and spair not*. Its age is uncertain, but it is probable that it was the motto of Clan Gregor (Mac Gregor) from an early date. The later motto dates from 1801, when Sir John Murray Mac Gregor obtained permission to change the Mac Gregor motto above the crest to '*S rioghal mo dhream*, meaning "royal is my race." It is probable that Sir John Murray Mac Gregor was motivated by pride in the royal line of Mac Alpin in changing the older motto which the early Mac Gregors found adequate. Personally I find the older motto preferable because of its Scottish and its historical connotations.²¹

VII

The ancestry of William Gregg I of Delaware is thus established as of clannish and pure Scottish blood.²² William Gregg I was not of Scots-Irish lineage, although that has been supposed to be the case because of his long residence in Ireland.²³ But residence in Ireland did not modify the Scots clannishness of William Gregg I; and it may be inferred with reason that he became a Quaker because he had seen the folly and retribution of clan wars and Highland turmoil. There is good reason to infer that he was born William Mac Gregor, and that the family name was changed to Gregg after Clan Mac Gregor was abolished by an act of parliament under Charles I in 1633.²⁴

Appleton & Co., New York, 1923), I, 166-171; *Biographical and Genealogical History*, I, 640.

Srioghal is also given as *S'rioghal* and '*S rioghal*. The latter is believed to be the correct form. The lack of readily available sources on heraldry prevented the writer from research on the point.

21. Alexander Nisbet, *op. cit.*, 158-161; James Fairbairn, *op. cit.*, 589.

22. Howard T. Dimick, "Reconsideration of the Death of Josiah Gregg" in *NEW MEXICO HISTORICAL REVIEW*.

23. The date of William Gregg's emigration to Ireland is not known but is believed to be about the time of the Cromwellian Civil War. He may have been accompanied by his parents and by brothers and sisters. If any of the brothers or sisters married Irish nationals it did not change the Scots clannishness of William Gregg whose descendants were not of Scots-Irish character.

24. Frank Adam, *The Clans, Septs, and Regiments of the Scottish Highlands* (W. & A. K. Johnston, Edinburgh & London, 1924) 78-79; Peter Hume Brown, *History of Scotland* (Univ. Press, Cambridge, 1909-1912), II, 253; Thomas Wright, *The History of Scotland from the Earliest Period* (2 vols., Thomas C. Jack, Edin-

sudden hunches, unscientific perhaps in historical research, yet most helpful and, perhaps, psychologically lawful. Repeated and careful study of Gallegos in an attempt to synchronize his itinerary and the time element had stirred up something in me which burst out one night in this thought: "Gallegos is lying for his own ends." Then it was that I proceeded methodically to collate and compare all the available material on the Rodríguez Exploratory Mission, as I now choose to call it, and my conclusion is that he did lie and that contemporary documents like his, which have much greater value than others written later, can, by being false, lead historical research a-stray, especially when "first documents" are worshipped as such. In drawing up this re-survey it is not my intention to defy or berate professional historians, but to present a view which might throw more light on the question.

The Nature of the Mission and Its Leader

The supposition that Gallegos and the soldiers distorted the Mission's reason for being, flows from the tenor of both the *Relacion* and the affidavits, in which the author protests too much the leadership of Chamuscado, or better still, that of the author himself under the name and figurehead of the ter XI: "The *leader* and the *discoverers*." Chapter XII: Six times Chamuscado is referred to as "our leader" in exacting food from the Indians for the expedition. (As used in Chapter XIII, the word can be taken in the sense that Chamuscado was captain of the soldiers). Chapter XIV: "Said *leader* and the other soldiers *decided* to return" and "took leave of the friars who had decided to remain." "The *chief* ordered that testimony of all this should be drawn up." "Our *leader and magistrate* of the said expedition." (The italics here and in subsequent XVI-Century quotations are mine).

The first affidavit on Fr. Santa María's departure (curiously enough, not even mentioned in the *Relacion*), dated Sept. 10, 1581, immediately starts, written by Gallegos: "Yo, el Yllustre Sr. Francisco Sanchez Chamuscado, con commission del visorrev. . . ," and then proceeds to declare that the

soldiers were against the friar's departing because Chamailing old Captain. Hernán Gallegos is a common soldier of twenty-five, appointed (as he says in the second affidavit) *escribano* or clerk of the expedition by Chamuscado himself, but his "I-I-I" pervades through every sentence from start to finish and culminates in his later conduct in Mexico City and in Spain in his futile attempts to be named as the leader of a great new *Entrada* into New Mexico.

In the title of the *Relacion*, Chamuscado "accomplishes" the expedition and in the introduction he is the one to whom the expedition is offered (Gallegos does not say by whom); but the Franciscans "in good spirit offered themselves for the expedition." Chapter I: "Chamuscado, leader of the expedition"; "*they took along*" Friars López, Rodríguez, and Santa María. Chapter IV: the Indians kissed the hands "of the missionaries *whom we brought with us.*" Chapter V: "Those *whom we brought with us*, that is, the friars." Chamuscado himself planned to make known the discovery. "The *conquerors, colonizers, and discoverers* were disturbed and angered" at his leaving. Chamuscado "assembled all of the discoverers and asked them if they did not regard him as their *head and judge*, and if they were aware that he *had been commissioned by the viceroy to discover new lands,*" and the soldiers concurred. In the second affidavit, dated Feb. 13, 1582, Gallegos refers to Chamuscado as "*judge, head, and discoverer* for his Majesty of the said Province and Plains of the Cows." He again refers to the friars as those "*whom he had brought in his company.*"

Now, the Viceroy himself expressly states in his Letter to the King⁴ that Fray Agustín Rodríguez had come to him with the proposition of exploring the northern country for

4. This letter, dated Nov. 1, 1582, at Mexico City, is given in Bolton's *Spanish Exploration in the Southwest* (New York, 1916), 158-160, as also the following soldiers' testimonies before the Viceroy which will be cited: Pedro de Bustamante, May 16, 1582, 142-150; Hernan Barrado, Oct. 20, 1582, 151-153; and the "Brief and True Account" of Escalante and Barrado, early in 1583, 154-157. Not given in Bolton is Gallegos' testimony given concurrently with Bustamante.

All are contained in *Documentos Ineditos del Archivo de Indias*, XV (Madrid 1871) pp. 97-100, 80-88, 95-97, 146-150, respectively. The testimony of Gallegos, *ibid.*, 88-95. These documents are short; hence, to avoid cluttering up the pages with additional footnotes, no reference to pages will be made.

evangelization, and that he had granted the friar permission, as well as to others of his confreres, "and as many as twenty men who might voluntarily wish to go with him to *protect them and as company.*" This is the only reason given for the soldiers' going. "And that they might take some things for barter." This does not necessarily apply to the soldiers, but even if it does, it certainly does not give them authority as official explorers and traders, much less as plunderers, but conforms with the ancient and modern practice of taking baubles along to get the good will of uncivilized peoples. I myself saw this practised in the Pacific islands during World War II. Escalante and Barrado tell how they gave the Piro cacique and his companions playing cards, hawk's bells, and other trinkets. "And the one *whom the friar should name* should go as leader (cabeza), whom the others" — the soldiers — "should obey, *that they might not cause disorder.*" Clearly, one of the soldiers is commissioned as Captain of the Guard and not as leader of an expedition. Benavides, surely, is not far from wrong fifty years later when he states that the Viceroy gave Brother Agustín a signed blank commission to fill in with the name of the soldier he chose as captain of the voluntary escort.⁵ "I did not give permission for more men to go because your Majesty had given instructions that *no entradas or new discoveries should be made* without express permission from your Majesty." In other words, the Viceroy could not give permission for a military expedition, but he was allowed by those same royal instructions⁶ to let missionaries go on exploratory missions; his sole reason for permitting a limited number of soldiers to go was simply to guard the friars, and the reason for commissioning one of them as a Captain was to keep them in line according to military discipline.

5. *Memorial of 1634*, his revised version of the *1630 Memorial*, edited by Hodge, Hammond and Rey, Coronado Historical Series (Albuquerque 1940), IV, Ch. XVI.

6. These Royal *Ordenanzas* of July 13, 1573, promulgated but a few years previously, must have been fresh in the minds of all concerned; they are to be found in the *Documentos Ineditos*, Vol. 16. For example: those in charge of the *Gobernacion de Yndias* should inform themselves of lands to be discovered and pacified, but without sending "*gente de guerra*" or *others who might cause scandal*; they should inform themselves as to the persons going on such missions (in this mission the Viceroy unfortunately depended on Fr. Rodriguez' not-so-good judgment of men); let them take vassal Indians as interpreters with things *for barter and gifts*. Pp. 143-144.

The theme is repeated in the testimonies of Gallegos and Bustamante, where the former sings a different tune in the presence of the Viceroy. Bustamante states that Viceroy Suárez de Mendoza had given permission to Fray Rodríguez and his confreres to discover lands beyond Santa Barbara and that "as many as twenty men" may go with them "for the safety of their persons, and in order that thereby they might be able to preach the Gospel. . . ." Gallegos now deposes that he went *with* the religious, and not vice versa as in the *Relacion*. Hernán Barrado declares that he went with Chamuscado *in company* of Fray Agustín and two other friars. Escalante and Barrado state that they went "*in company with three religious of the Order of St. Francis.*" And Obregón, who got his data from the *Relacion* and the other soldiers, puts down Fray Agustín as "the author and principal agent" who "solicited and obtained the grant and commission for the leader."^{6a} It is therefore difficult to see how Chamuscado could have been more than captain of the guard; on the contrary, it is easy to see how he and most of the soldiers, Gallegos in particular, assumed that leadership without any authority when they entered Puebloland. (See last part of note 14).

That the common soldier, Hernán Gallegos, was the moving spirit, and not so much the old and ailing captain, can be seen throughout the *Relacion* and the affidavits. The *Relacion* begins with "Since I began serving his Majesty in my youth" and throughout four long paragraphs of the introduction gives away the hypocritical and obsequious character of the chronicler. Thus:

"there has grown upon me constantly as the years have passed the particular desire to serve my king and lord in some important cause worthy of my desire. Since there was offered to Francisco Sanchez Chamuscado the expedition which he carried out . . . and as he had communicated with me about it, I saw there was presented to me an opportunity commensurate with my purpose and ambition. . . . We left fortified with the hope of attaining temporal and eternal reward. Following the example of the nine men of fame, we set out. . . . On this expedition I noted the important things . . . and after I had helped

6a. Hammond and Rey, eds., *Obregon's History*, p. 268.

to the best of my little strength it seemed to me that *I* was not even then doing all I should. I also wished to employ the little talent that God gave me in something that would be of service to God and his majesty, in order that there should not remain with me anything *I* could offer. . . . Although it may seem boldness on my part . . . *I* was nevertheless encouraged by the case of the poor widow in the Gospel . . . as a result of this reflection and finding myself in the possession of two farthings capital, I offered them to his excellency and risked them in this undertaking."

And so forth in this egotistic vein. This section alone makes one wonder how much, or how little, of the *Relacion* was written en route, as it should have been according to law ⁷ and as he himself boasts in his personal deposition before the Viceroy.

Throughout his journal we must give him credit for his sharp observations regarding manners and customs, but he does not do so well in his sense of time and space; for example, the chapter on the itinerary through the pueblos is a jumble which has caused historians many a headache, which could not have happened had he written as he went along or *por dias*; also the trip to the bison-country, in which they leave on September 28, travel on well-described terrain for four days, arriving at a certain place which they call San Miguel because they got there on the feast of St. Michael. (The Church had kept this feast, for centuries before Gallegos' time, on September 29). Where we must take particular issue is in Chapter 13, in which he relates Father Santa María's premature departure, and the following Chapter describing their hectic parting with the other two friars at Puaráy. But now we are concerned with his personal ambitions.

The affidavits drawn up on these two occasions, especially the second one, brings this out. "I, Hernán Gallegos, appointed scribe . . . by Francisco Sanchez Chamuscado. . . ." It is signed by Gallegos and three others "who were present" (Bustamante, Sánchez de Chavez, de Herrera). Chamuscado

7. Ordenanza: "hagan comentario e memoria por días, de todo lo que vieren y hallaren y les aconteciere . . . e todo lo vayan asentando en un libro . . . y despues de asentado, se lea en publico cada día firmandolo algunos de los principales. . . ." *Documentos Ineditos*, XVI, 149. Other sections show that they were not written *por dias*, and Gallegos alone signs it.

is too ill, even to sign his name. The four other soldiers are not present for the signing, though the little group of nine stuck close together on their hurried trip back. And it is two weeks since the event treated therein took place. From here on Gallegos has taken over completely. Back in Santa Barbara, with Chamuscado dead and buried on the way, Gallegos has trouble with the authorities there. He claims that they wanted his papers to beat him and his companions to the new land; this is true, but it also shows that the just as ambitious minions of Diego de Ibarra, his former barracks pals,⁸ knew that neither Chamuscado nor his men had a commission as explorers and colonizers, that they had gone merely as companions to the friars; and maybe they resented the fact, if they knew about twenty men being authorized, that only a clique of nine had gone.

And so Gallegos sneaks away to Mexico with two companions who had signed the second affidavit with him. There Gallegos and Bustamante present themselves to the Viceroy, who takes their depositions (in which they omit mention of Fray Santa María's departure and death); there Gallegos presents, as he says in that testimony, his famous *Relacion*—from its revealing introduction to a like boastful conclusion:

We brought great joy and happiness to this city of Mexico, and especially to his excellency . . . for having carried out in such a short time . . . an enterprise like the present one in which his majesty and his vassals have spent quantities of money in search of this discovery, but without success. Now nine men had dared to go among such a large number of people in the inhabited area and to penetrate the uninhabited land and to have discovered what they had. . . . Where five hundred men had failed to discover or explore the eight men had succeeded at their own cost and expense, without receiving any support or help from his majesty or any other person.⁹ This brought

8. "the jurisdiction of the discovery appears to belong to (N. Vizcaya) . . . and the soldiers who just went with the said religious were from the company of Governor Martin Lopez Ibarra, my deputy." *Letter of Diego de Ibarra to the King, Mexico, Nov. 10, 1582.* Bandelier-Hackett, *Historical Documents Relating to New Mexico* (Washington, D. C. 1923), I, 113-114.

9. As Hammond and Rey observe in a footnote to their translation and edition of the *Relacion*, *NMHR*, II, 363 note, Gallegos refers to the Coronado *Entrada* of 1540. We can also observe, regarding the boast of "at their own cost and expense," that the great amount of stock and provisions taken along, of which they undoubtedly partook of daily, were at the Viceroy's expense, as we shall see later.

great relief and enthusiasm to many people in New Spain. Hernan Gallegos, one of the explorers and the *escribano* of the expedition and discovery, decided to write this relation with the chapters and explanations here contained.

Months of lobbying at the viceregal court in Mexico City and at the royal palace in Spain bring forth no results for the ambitious scrivener.¹⁰ The just as wily Viceroy and King seem to know who Gallegos really is. Suárez de Mendoza reads his *Relacion* and makes all kinds of inquiries. Surely they cannot help but note the discrepancies thus far treated, and more that we shall examine when treating the cases of the individual friars.

Departure and Death of Fray Juan de Santa María

During the 1581 tour of the party, while they were somewhere in the Galisteo-Rio Grande area, Fr. Juan de Santa María left the group and took a route east of the "Sierra Morena" to avoid the tortuous winding of the Rio Grande and thus find a straighter road to New Spain. Some days later he was killed by Indians somewhere east of that sierra. Later Franciscan authors wrote that the friars had sent him. The contemporary *Relacion* and first affidavit of Gallegos (and Obregon who copies from him) reveal that he left on his own and against the command of his Superior.

First of all, let it be noted that these are the only strictly contemporary documents that mention his departure and death. The Viceroy does not refer to such an important event in his Report to the King, although he ought to have

10. In March, 1583, he addressed a petition to the King: "Very Powerful Lord: Captain Hernan Gallegos, discoverer of New Mexico, states that. . . ." Again, "I went with eight others. . . ." "Do me the favor to command that I be given the conquest and pacifying of that country. . . , I will undertake the said conquest at my expense and cost. . . ." A. G., Guadalajara 10.—A brief summary of the earlier petition betrays his desire for the "trading-rights and administration" of New Mexico, which is endorsed on March 14, 1583, and referred back to the Council of the Indies with: "This matter is already dealt with as is convenient" (better still, "as it deserves"), while a similar endorsement of the March 30 petition passes back the buck with: "*que acuda al Virrey.*" This matter is interestingly treated by the late Lansing B. Bloom in his "Who Discovered New Mexico?," *NMHR*, XV, 109-122.

known of it from the *Relacion* (provided the copy he got in May 8-16, 1582, has this section in it).¹¹

The testimonies of Gallegos himself and Bustamante before the Viceroy, May 16, 1582, do not mention the fact, nor does that of Barrado, Oct. 20, 1582, when the Viceroy calls him in to testify on learning of the later death of the other two friars, nor yet the "Brief and True Account" of Escalante and Barrado, early in 1583. In fact, the latter deposition has it: "We, the said nine companions and the three friars," discovered the bison-country to the east of the pueblos. And Fr. Santa María is supposed to have left before that specific trip. Perhaps this is a copyist's error. Anyway, the whole silence is very disturbing. Other notices of his death do not appear until the following year when Espejo visits the Saline pueblos behind the Sierra Morena, when Obregon writes his *Cronica* based on Gallegos, and in the later writings of Mendieta, Salmerón, and other old standard historians.

The point of Santa María's departure is not clear either. Mecham, and Hammond and Rey after him, deduce that he left from Malpartida, which they identify with the pueblo known later on as San Marcos. Nowhere does Gallegos say expressly that he left from Malpartida; Obregon is the only other writer who mentions the place, and again not as the point of departure. None of the other soldiers mentions Malpartida. One can deduce from the unchronological *Relacion* (Ch. 12-13) that the friar could have left from Piedra Hita,¹² later known as San Cristobal, or perhaps from Gal-

11. In his testimony of May 16, Gallegos declares that he has a book, written by his own hand, in which he relates all about the journey, "*el cual tiene entregado a Su Excelencia.*" The *Relacion* which comes to us is a copy of the one Gallegos apparently later revised and had copied, on July 8 of the same year.

12. Malpartida does mean "Bad Parting," but it can also mean "An Affidavit Concerning a Bad Event," a stretching of the point, true, but useful in showing how one cannot depend on the meaning of names without external facts to back one up. Likewise with Piedra Hita. *Hita*: adj., firm, fixed, importunate, according to Velasquez' Dictionary; And in Peñalver's: *Hito*: *Mojon o poste de piedra que se coloca en los caminos para marcar su direccion o para deslindar los territorios.* — I had hoped to find the original MS having either "*Piedreguita*" (little stone) or "*Piedragüita*" (stone plus little water), for what's left of San Cristobal is built of small flat stones, and a small stream flows near the concrete-like expanses of stone terrain.

isteo—and Zárate-Salmerón couldn't have been far from wrong forty years later.¹³

Now the question is: Did Fr. Santa María leave with or without permission of his Superior. Gallegos, surely, is not trustworthy (a) because of his and the soldiers' unwarranted assumption of authority, (b) his own suspect ambitions in the egotistic *Relacion*, (c) the strange silence among the other declarants who had been witnesses of such an important event, (d) the fact that he did not enter the event *por dias* as required, but a month later, and (e) the fact that the affidavit was dated three days after, is signed only by two other soldiers besides Chamuscado, and not by the *remaining friars*.¹³ Had young Santa María left without permission, I am certain as a Franciscan that Fr. López, his religious Superior, would have signed the protest also. If only we had the Chronicle which the friars undoubtedly kept faithfully (this I also know as a Franciscan). But it was lost, either when López and Rodríguez were later killed, or else *when Santa María was slain*.

This brings us to the supposition, born because of Gallegos' suspect testimony and bolstered by later writers, that Fr. López actually did send his theological classmate back to New Spain by the shortest route possible, to report, not only on the Pueblos discovered, but on the conduct of the soldiers who not only assumed authority but flouted other Royal *Ordenanzas* on several counts.¹⁴ And so Fr. Santa

13. Mecham, "The Second Spanish Expedition," *loc. cit.*, p. 79 note, says: "Zarate-Salmeron is in error on two points: (1) Santa María did not depart from Galisteo, and (2) He did not leave after the departure of the soldiers nor with the permission of his friar-companions." There is a possibility that (a) Zárate-Salmerón meant the Galisteo area or (b) that the name itself, or the inhabitants, shifted among the Tanos pueblos as with Puaráy among the Tiguas or (c) that Santa María did leave from the site now known as Galisteo, for from here the route south behind the sierras looks more inviting.

13. *Ordenanzas*: See note 7. Fr. López and Brother Rodríguez were surely "algunos de los principales." This omission, and the fact that Chamuscado, according to the affidavit itself, tried to impress the soldiers that he was head and judge of the expedition, is one proof of the grave division already existing between the friars and their escorts, and also points to the reason for Santa María's early departure.

14. Domestic pueblos had been discovered in great numbers and so the purpose of the Mission was accomplished; it was high time to report according to law: "Y hagan discrecion de todo lo que se puede saber . . . y vayan imbiando siempre relacion al Gobernador, para que la imbie al Consejo." *Op. cit.*, p. 144. This the soldiers did not want to do — "to keep on sending notices always."

María, the astronomer and pathfinder in the party, was sent to report, particularly on the spiritual field white for the harvest. But Chamuscado and his men are looking for free gold and beef to report in person, so that they may return as official conquerors and *encomenderos* and lords of the land and its people; now they are insisting on going east to the bison-country where there are no pueblos ready for conversion like these. Santa María mounts his horse and sets out alone with his astrolabe.

Of course, the soldiers object, says the *Relacion* (Ch. 13), "because he was placing us in great danger" (how this could be is hard to figure out) "and because we had not yet examined the land" (for bison and mines, the real reason). Obregon puts it: The soldiers "had not explored the whole land nor *completely learned all its secrets and sources of profit.*" (*Op. Cit.*, 310). And so the extremely serious accusation is made (to be found only in the *Relacion*, and the *Cronica* which copies from it) that the young Padre left without the permission of his Superior. Then, three days after he left, the pompous affidavit was drawn up while nothing was said in the chronicle—until a month later. Gallegos says that the Friar departed on the Eve of Our Lady of September,¹⁵ which would be September 7, and that after three days of travel he was killed, but that "We heard of this when we returned from the cattle, for until then we knew nothing." Obregon writes that they heard of his death five days later. Might this have prompted the affidavit? When the Indians boasted that they had followed and killed him in the sierra, whether three or five days or even weeks

The law further stated that as soon as the discoverers' victuals were half-spent, they had to turn back (to forestall despoliation of the natives). P. 148. Also, "*Los descubrimientos no se den con titulos y nombre de conquista: puese habiendose de hacer con tanta paz y caridad . . . no queremos quel nombre. . .*" P. 152. The ignoring of these regulations, and others mentioned previously, were more than enough to cause a break, and at the same time prompt the friars to act accordingly.

Another though not conclusive instance of the soldier's early assumption of authority is hinted in the names given the pueblos from the moment they entered Puebloiland. It was the Franciscan custom to designate places with names of the Saints or else continue using the original native names. The *Relacion* goes on a spree of Spanish and Mexican place-names, including those that do commemorate a saint.

15. September 8 is the ancient Feast of the Nativity of the Blessed Virgin, known when Merrie England was Catholic as "Little Lady Day."

later, "we pretended not to understand it," Gallegos says; that is to say, the soldiers feigned ignorance or indifference to discourage further Indian acts of aggression.¹⁶

The Padre was killed behind the Sierra Morena, which can be anywhere along the eastern slopes of the Ortiz, San Pedro, Sandia, and Manzano mountains which compose the range running north and south from the Galisteo basin down to the Salinas, for the name is applied by the party to the whole range as they come up through the Socorro district. Espejo, a year later,¹⁷ was told by the Indians of the northern Saline pueblos that Santa María had been killed in their district. Since the Indians "followed him" and the Tanos reported his death, it looks as if they did the killing, perhaps with the help of local Tiguas. That he was slain while sleeping suggests the idea that they dared not attack him while mounted; that he went on horseback can be inferred from the fact that the party, including the friars, had come from New Spain on horseback with ninety pack and saddle horses, which were the property, not of the soldiers, but furnished to Brother Agustín by the Viceroy. The exact locale of his martyrdom depends very much on the pueblo from which he left, and this has been the cause of much speculation.¹⁸

16. And Friars López and Rodríguez? The supposition is not far-fetched that they did not believe the Indian boast, but expected Fr. Santa María to return within a few weeks with more missionaries to begin the evangelization of the pueblos on a large scale.

17. "Relacion que yo Antonio Espejo con catorce soldados y un religioso de el orden de San Francisco a las Provincias y poblaciones de la Nueva Mexico." *Doc. Ined.* XV, 101-126. Translated in H. E. Bolton, ed., *Spanish Explorations in the Southwest, 1542-1706* (New York, 1916), pp. 168-192.

18. Adolph Bandelier, finding no Tigua Pueblo of the Salines with the title of San Pablo, wrote: "Zarate Salmeron places Santa Maria's death some place east of the Sierra de Sandia and three day's journey south of Galisteo, or at San Pablo. Niel changes the name to San Pedro. This is the old San Pedro of today. Three days' journey south of Galisteo would bring one to San Pedro or between San Pedro and Chilili." *Final Report*, II, 113. — This San Pedro is Paako, a ruin behind the Sandia range proper, which had a church dedicated to San Pedro. Cf. "Documentary History of the Rio Grande Pueblos," Part III, *NMHR*, V, 351. Archeological evidence shows that the pueblo was Tano, but no church ruins have been found.

The *Relacion* states that he left on Sept. 7, but on the 6th the party had taken possession of the pueblos in the valley they called Atotonilco, believed to be the Santa Fe river valley around Cienega and La Bajada. Did he leave from here? Then the ravine where Paako stood would be the logical "direct route." Or did the party go back to Puaráy, which the friars had designated as their future headquarters, and from where Santa María skirted the north and east sides of the Sandia through Paako

My unscientific suppositions so far, from taking Gallegos with a barrel of salt, coincide with what the later Franciscan writers have to say. Aware of the dangers inherent in the use of internal evidence alone, I have recourse to these sources. The friars down in New Spain were not idle when Gallegos and his men were making their depositions. An interesting and telling episode is the finding by Barrado in the *Franciscan convento* at Santa Barbara of one of the Indian servants, Francisco by name, who had witnessed the martyrdom of Fr. López. What he told the Fathers there might well be part of the information used by Fray Gerónimo Mendieta, then gathering historical material by special command of the head of the Franciscan Order, in 1571, for a history of the Order's activities in the Indies. His *Historia Ecclesiastica Indiana* was not completed until 1596, but the events recorded therein of 1581-1582 are certainly *contemporary*, and, if taken from the Indian servants and perhaps one of the soldiers who did not sign either affidavit, also *eye-witness testimony*. (Barrado also came across his own servant, Gerónimo, who had fled with Francisco from Puaráy; both went to Mexico City from Zacatecas to talk with the Viceroy, which was the occasion for, and gist of, Barrado's testimony).

Fray Gerónimo Zárate-Salmerón served in the Jemez and Queres pueblos from 1621 to 1626, during which time he translated the catechism into the Jemez tongue and gathered historical data. Such a student undoubtedly made personal investigations about the friar-martyrs, and from eye-witnesses, for it was only some forty years after their deaths

and on to Chilili and Tajique? I venture this question because Obregón seems to identify the mysterious word *Porne* with his Malpartida and Mal Puerto, *op. cit.*, p. 279, and Cuevas writes it down as the pueblo "*que nombraron Porue (Sic).*" *Op. cit.*, p. 279.

With regard to the Tanos Pueblos of the Galisteo basin, if one stands on the site of any one of them and, looking southwest, figures on the most direct route to the Paso region by eschewing the great curves of the Río Grande, then the east slope of the Sandia proper and Paako lie too far west and close to the Rio, even from San Marcos, the westernmost pueblo of the Tanos. Therefore, whether he left from San Marcos in the west, or Piedra Hita on the east, or especially from Galisteo in the middle, it seems as if he would have chosen a straight line east of the Cerro Pelon, the Ortiz and San Pedro mountains, to the Salinas area, and that on the third day of travel by horse he would have reached the Tigua pueblos of that region, the area which Espejo mentions.

when he worked in the central area of New Mexico. His details about the death of Father Juan de Santa María cannot, therefore, be dismissed as guesses or a version of Mendieta. He wrote:

Arriving at Galisteo, and seeing the docility of the Indians, the three friars (having been deserted by the soldiers)¹⁹ agreed that one of them should return to inform the prelates what had been seen [see footnote 14], and to ask for more priests. Father Juan de Santa María offered himself for this journey, he who was an accomplished astronomer, and looking over the lay of the land, found by his reckoning where the route ran shortest and straight, and thus went out by the Sierra of Puray, to cross through the salines, and from there cut straight to the crossing of the Rio del Norte . . . however, his good intent did not come to full measure. For on the third day after he bade farewell to his brother companions, having come to rest under a tree, the Tigua Indians of the pueblo now called San Pablo killed him, and burned his bones.²⁰

Fr. Mendieta's account is very much the same (*Op. cit.*, p. 763): Santa María left "on finding themselves alone," and the Indians killed him by dropping a very large block of stone while he slept. Torquemada and Vetancurt copy almost literally from him, but Salmerón's words ring like something heard from persons who knew at first hand.

The Martyrdom of Friars López and Rodríguez

After Chamuscado and his Gallegos-styled "conquerors, colonizers, and discoverers," had seen all they could, even as far west as Ácoma and the Zuñi pueblos, their saddlebags

19. Perhaps deserted temporarily, while out on forays in search of mines; Santa María could have left while the soldiers were absent, which might explain the affidavit three days later on their return. Certainly, the soldiers had deserted the friars in spirit by denial of Rodríguez' leadership and doing things on their own contrary to the purpose of the Mission.

20. "Relacion de todas las cosas que en el Nuevo Mexico se han visto y sabido asi por mar como por tierra desde el año 1538 hasta el de 1626." *Doc. Hist. Mex.*, 3rd Series, IV (Mexico, 1856.) There is an English translation in *Land of Sunshine*, XI. Also cited by Bandelier, "Documentary History, etc.," *loc. cit.*, who says that "His affirmations have the same importance as ocular testimony." P. 353 footnote.

Concerning the burning of his body, Bandelier makes some interesting observations: That because of his reading of the stars the savages considered him a sorcerer, and it was their custom to burn witches. He refers to Mota Padilla's description of a regular cremation among the Tiguas (*Historia de Nueva Galicia*, Mexico, 1870, p. 160). P. 354.

crammed with mineral specimens, they decided it was high time to return. They also were running out of horseshoes. But now that they were ready to go back in their own good time, the two friars were set on remaining in Puaráy. This should have caused them no surprise, as this decision had been made long before, a fact which again points to their sending Fr. Santa María to report on the pueblos and get more missionaries. That is why one cannot help but conclude that López and Rodríguez were confident, or almost so, that their brother in St. Francis had reached the Viceroy and was at that moment setting out with more priests and better representatives of the Crown than these ruffians from the frontier mines of Santa Barbara. Otherwise, how explain the decision of the soldiers' own servants to cast their lot with the friars, and even some of the soldiers until they were persuaded to change their minds by their companions? (*Relacion*, Ch. XIV). We might even allow the friars to gloat on the thought that, while Chamuscado was now promising the happy Indians of Puaráy that he would return personally with many more Christians and their women, a new *Entrada* was setting out which he would meet on the way.

Nor can it be said that the friars were doing something untoward by staying. One of the Royal *Ordenanzas* read: "If they saw that the people were domestic, and that a religious might safely stay among them . . . let them leave him, promising to return for him within a year or sooner. . . ." (*Op. cit.*, p. 148).

Gallegos relates how Chamuscado remonstrated strongly with the friars, but that is neither here nor there; almost in the same breath he tells how happy the Puaráy Tiguas were, and in other instances he shows how other Indians took to the men of God. Then Gallegos points to the generosity with which they left the other Indian servants, the large stock of sheep and goats, the axes and other implements, even the surgical instruments, with the friars. There was no other course, for Fray Agustín was the head of the Mission, and all these persons and things had been furnished

at the Viceroy's expense. They hurried off posthaste on Jan. 31, 1582, not so much to "keep the promise we had given to both the friars," but because their own resources were running low, the sick old captain was failing fast, and they must stake their claims at the viceregal court before their former barracks companions and rivals of New Vizcaya stole a beat on them. For it is possible that the nine soldiers, seeing the friars' enthusiasm, doubted Santa María's death, too; or perhaps they always had, hence the exclusion of his newsworthy departure from the *Relacion* until a much later date—maybe in July when Gallegos had been two months in Mexico City. (See note 11).

As for the affidavit fixed up on this occasion, it took Gallegos two weeks to decide. By this time they must have reached the Paso del Norte district, when he dated it Feb. 13, 1582, with the very general place-designation of "Province of San Felipe." The absurd claim is made here that the friars had threatened the soldiers with excommunication if they forced them to return, and Fr. López is called the "guardian."²¹ This document, which is all Gallegos in ego and tune, is signed by him and three other soldiers "who were present." Was Chamuscado so ill that he could not even sign his name? Why didn't the others, particularly Escalante and Barrado who in their famous "Brief and True Account" say nothing about these difficulties with the friars, although by this time (1583) their deaths were known?

Gallegos and Bustamante reached Mexico City on May 8, 1582, made their depositions before the Viceroy on May 16, in which both of them omit, not only the departure of Santa María, but also the purported arguments between them and the friars when parting at Puaráy. Bustamante simply states that they returned from the Salinas to Puaráy, "where they had left the religious, the horses, and the rest of the things which they possessed, and from this pueblo they returned by the same route they had gone. In the said

21. Fray Francisco López had been appointed religious Superior, the correct generic term, because Fray Agustín Rodríguez was not a priest but a lay-brother. "Guardian" is the official and exclusively Franciscan term for the superior of an established *convento* only. Neither guardians nor simple superiors, nor priests as such, are empowered to excommunicate.

pueblo the religious remained with the Indian servants whom they had taken, among them being a half-breed." Later in October, news had arrived about the deaths of the two friars. Barrado and his servant Gerónimo were summoned for a hearing on October 20, and Barrado tells how he had first encountered Francisco three months previously in the friary at Santa Barbara. Three Indian servants, Francisco, Gerónimo, and Andres, had fled from Puaráy when Fr. López was martyred. Andres had been killed by hostile Conchos in the Chihuahua region on their way down. Barrado later met Gerónimo when being brought by other soldiers to Zacatecas, and from there the whole party came to Mexico City, where the Indian talked with the Viceroy. Concerning Gerónimo, Barrado's testimony ends with a strange note: "A few days ago he disappeared . . . (Barrado) understands that he has returned to his own country."

In the meantime the Franciscans at the Convent of San Francisco in Mexico City were undoubtedly culling evidence according to the Order's practice in such cases, evidence for the "ecclesiastical historians, Mendieta and Torquemada" because of whose "great influence . . . it appears that the soldiers were unsuccessful in clearing their names."

And Fr. Zárate-Salmerón, back on the actual scenes of martyrdom not forty years after, talks with Indians who remember in the shadow of the Sierra Morena. He writes in 1626:

As the devoted Fr. Francisco Lopez was praying, about a harquebus' shot away from the pueblo, an Indian killed him with two blows of a club on the temples²² as the marks on his skull can be seen,²³ and

22. The servant Francisco, according to Barrado's testimony, said that they killed Fr. López and that he had seen him buried. When he told Fray Agustín about it, the servants became excited, and so with two of them he fled, hearing as they left "many outcries and a tumult in the pueblo, wherefore he believed that they had killed the rest of the religious and the Indian boys. . . ." — Fr. Benavides, in *New Mexico* before Fr. Zárate-Salmerón left for New Spain, says that Fr. López went out into the open praying, saw a group of Indians seated, who were at the moment scheming; at his first words, one of them smashed his head with a *macana* while the rest shot him with arrows. *Op. cit.*, Ch. XIX. (Hodge thinks the source of information is the same for all friar-writers — i.e., Mendieta — and that Benavides cannot be regarded as an authority! *Ibid.* 160.)

23. Zárate-Salmerón: "The body of the holy fray Juan López lay hidden for more than 33 years, at the end of which an Indian of Puaray pueblo, an eye-witness

the Indians of that pueblo acknowledge it, because there are yet *many Indians witnesses of his death*, and they revealed where his corpse was buried. . . . Fray Agustin Ruiz enshrouded him, and buried him according to our manner inside the pueblo. . . . The chieftain of the pueblo showed his sentiments of sympathy . . . and in order that the same might not befall the lay-brother . . . he took him to the pueblo called Santiago,²⁴ a league and a half up the river . . . and being caught unawares²⁵ they did the same thing and killed him also, and threw his body in the Rio which was in flood.²⁶

After comparing all the accounts, with due allowance for the changes in a story when passed down for many years, we can venture the following reconstruction: Friars López and Rodríguez were happy in Puaráy learning the language and sharing their goods with their own servants and their hosts, when the Tanos or the Saline Tiguas, or both (and even some of the Puaráy Tiguas with them), who had previously killed Fr. Santa María, now came to demand the death of the two remaining friars. As this typically Indian consultation was going on outside the pueblo, Fr. López came by. Then and there the plotters fell upon him—first a blow on either temple and then a burst of arrows for good measure. On seeing this the chief of Puaráy hid Fr. Rodríguez who was on the other side of the village until the enemy left. While the latter were seeking him with their war-cries, the three Mexican servants fled. Later the lay-brother buried his confrere. But since the enemy was still in the vicinity, or even among some of the inhabitants of Puaráy, the chief thought it best to abscond the friar to a safer place, the pueblo of Santiago. But finally the foe traced him there and,

of his death and burial, revealed it to Father Fray Estevan de Perea, he being Commissary of those provinces and a grand minister among those natives, which body, or to put it better, bones, were taken with all devotion and respect, the religious in vestments and on foot, until they were placed in the church of Sandia, a good and lengthy league. . . ." (*Relacion, op. cit.*, p. 11.) Benavides (Ch. XX) adds that they found him with the cloth still tied about the club-marks on his head, and that the Indians honored his new burial place with a chapel on the spot where he was martyred and painted his picture on it.

24. Bandelier placed Santiago five and a half miles north of Bernalillo on the Mesa del Canjilon. *Final Reports*, II, 227.

25. *En descuidandose*. Either Fr. Agustín, or the friendly chief, or the other friendly Indians, or all together.

26. *Relacion de todas cosas, etc., Doc. Hist. Mex.*, p. 10.

when he and his protectors were not watching, slew him also and threw his body in the flooded Rio Grande.

Conclusion

May I repeat that this paper was not meant to criticize my betters, whose historical spade-work I not only admire but depend on; rather, I want to show how the author of the contemporary documents in question cannot be trusted implicitly in all he writes. (1) His distortion of the prime purpose of the Mission and its real leadership, as well as the role he gives his own unimportant self throughout, with his untoward motives clearly showing through, are in direct contradiction to the Viceroy's report and the depositions of the soldiers, that of Gallegos included. Furthermore, he violates all the Royal Ordinances regarding all kinds of forays and expeditions. All of which explains his failure at the courts of Mexico and Spain. (2) His leaving out of the chronicle, until a month later (or even altogether in the copy given to the Viceroy) of such an important happening as the "unlawful" departure and subsequent death of Fr. Santa María, also of the affidavit drawn up, belies his statement that everything set down is true and "written while he was passing through the land." (3) Glaring chronological lapses, like those cited, not only throw doubt on his writing things en route, but also call other dates into question. (4) Old authors, contemporaries who spoke with other ocular witnesses of the events, agree with him in certain time and space facts, but do not support him in the reason for the expedition or for the conduct of all three Franciscans.

All this gives us the right to reconsider, at least in part, the statements of Fr. Mendieta, who was in New Spain gathering material as official American Historian of the Order when Francisco and Gerónimo, and perhaps one or the other of the soldiers, were giving their own ocular versions in the convents, and of Fr. Zárate-Salmerón who thirty-nine years later was in New Mexico interviewing eye-witnesses. Nor can we lightly dismiss the writings of Fr. Alonso Benavides

in this matter just because he is glaringly wrong about events that happened a century before his time.

Undoubtedly, the exploratory Mission of Fray Agustín Rodríguez and his priest-companions into Puebloland in 1581-1582 "is of particular interest because it started that series of events which led directly to the permanent occupation of the Rio Grande country by the Spaniards."²⁷ But it is of more than particular interest. It not only started that series of events which led to permanent colonization, it also began and foreshadowed, in the conduct and writings of Gallegos, that series of failures in the complete evangelization of the pueblos and the tragic deaths of so many Franciscans, from the precarious beginnings of Oñate and Peralta (1595-1614) through the troublous times of men like de la Rosas and Peñalosa (1610-1680) down to the era of Mexican Independence and the secularization of the Missions — more than two centuries of blood and tears and constant failure, because of unscrupulous little "conquerors, colonizers, and discoverers," and "*escribanos*."

27. Hammond and Rey, "The Rodriguez Exp.," *loc. cit.*, 240.

MISSIONARY ASPECTS OF THE FOUNDING OF NEW MEXICO

By AGAPITO REY *

SOON AFTER Cortés established himself in Mexico City, many captains proceeded to explore and conquer the neighboring land. By 1531 Nuño de Gusmán had reached Sinaloa and founded the city of Culiacán. Founded about that time were also Compostela and the first Guadalajara. The brothers Juan and Diego de Alcaraz explored beyond Culiacán as far as the region of Petatlán. It was they who in 1536 welcomed Alvar Núñez Cabeza de Vaca and his three companions on their arrival in Mexico after one of the epic marches in history. Shipwrecked on the coast of Florida in the disastrous Narváez expedition of 1528, Cabeza de Vaca and his three companions wandered over the southwest for eight years before they reached Spanish settlements in Mexico. On his arrival at the Aztec capital Cabeza de Vaca reported his experiences to the viceroy before he set sail for Spain, where he gave an elaborate account of it all in his *Naufragios*. Cabeza de Vaca did not see the New Mexico pueblos, but he told of information he had received of the existence of rich Indian cities.

Cabeza de Vaca reached Mexico at a very opportune time. The first viceroy, Don Antonio de Mendoza, had arrived in his new post only the year before, 1535, eager to undertake big things. After some preliminary explorations, the viceroy decided to send someone into the northern regions to verify Cabeza de Vaca's information and the rumors it had originated.

A roving Franciscan father named Fray Marcos de Niza was living in Mexico at the time. The viceroy chose him to go to the distant north, giving him as companion and guide a young Moor named Estevanico, who had been shipwrecked with Cabeza de Vaca and had made his way to

* Professor of History, Indiana University.

Mexico with him. They traveled north as far as the present Zuñi in southern New Mexico. There the Moor was killed by the Indians, and Fray Marcos after looking at the pueblo from a nearby hill returned to Mexico post haste. There he presented a written report or *Relación* to his superiors and the viceroy. A certified copy, dated September 2, 1539, was forwarded to Spain.¹

Fray Marcos was an earnest pious friar, but too credulous of Indian yarns. Not satisfied with his written report he began to gloss in his conversations, and even from the pulpit, the fantastic riches of the Seven Cities of Cíbola. Although his fanciful accounts raised some doubts in the minds of the intelligent, they were nevertheless enthusiastically repeated.

In a letter addressed by Bishop Juan de Zumárraga to his nephew on August 23, 1539, he writes: "The land is as you left it, peaceful. Fray Marcos has discovered a much greater one four hundred leagues beyond where Nuño de Guzmán is now, near the island visited by the Marquis [Cortés]. Many people are stirred to go there. The Marquis claims the right to the conquest and the viceroy is undertaking it for the Emperor. He wants to send ahead unarmed friars, and that the conquest be a Christian apostolic one and not a butchery. The people there are more advanced both in buildings, with many wood terraces, and in the clothes they wear. They have no idols other than the sun and the moon which they worship. They have only one wife, and if she dies they do not remarry. The father says he saw partridges and cattle [buffalo], and that he was told of camels and dromedaries and other cities bigger than this Mexico."²

1. Upon his return to Mexico, Fray Marcos retired to the convent of Xochimilco. In 1546 he wrote to Bishop Zumárraga asking for some wine to fortify his failing health due to "deficiency in blood and natural warmth." The bishop readily granted his request in any amount he needed (*Códice franciscano*, ed. García Icazbalceta, Mexico, 1889, p. 273).

A sympathetic narrative of Fray Marcos' hike to Cíbola is given by Mildred Farnun in her *The Seven Golden Cities*, Milwaukee, 1943. An English translation of his report or *Relación* is found in G. P. Hammond and A. Rey, *Narratives of the Coronado Expedition*, Albuquerque, 1940, pp. 58-82.

2. *Códice franciscano*, p. 265.

On October 9, 1539, Father Gerónimo Ximénez writes: "Last September it was a year since a Franciscan friar, French by birth, left this city of Mexico in search of a land of which the governors of these regions had reports. He was unable to find it. He traveled five hundred leagues over settled land and finally after crossing a desert extending over more than sixty leagues he came upon a land inhabited by people highly developed who dwell in walled cities and big houses; who wear leather shoes and moccasins. Many of them wear silk clothes down to their feet. I will not write concerning the wealth of the land, because he tells so much it does not seem credible. The friar himself told me he saw a temple of their idols with the walls covered with precious stones inside and out. I believe he said emeralds. It is also reported there are camels and elephants farther inland. Men who moved by greed of gold wandered over this South sea claim they discovered close to that land very rich islands with people in the same high state of development."³

With such alluring reports it was not difficult to find people for an expedition to those rich lands. As indicated in the letter by Bishop Zumárraga and other contemporary documents, both Cortés and the viceroy claimed the right to explore and conquer the northern territories. The viceroy prevailed by virtue of authority granted to him from Spain. So in 1540 he sent an expedition under the leadership of Francisco Vásquez de Coronado. This army made up of some four hundred Spaniards and about one thousand Indians marched to the Rio Grande valley, established its headquarters in the vicinity of present Bernalillo, and from there small parties explored the country in all directions. Coronado himself with twenty-five picked mounted men traveled as far as the Kansas plains in search of elusive fabulous Quivira. After two years of privations and troubles the army returned to Mexico. However, the friars who accompanied the expedition, fathers Fray Juan de Padilla and Fray Luis de Escalona, refused to go back and remained among the

3. *Cartas de religiosos*, ed. García Icazbalceta, Mexico, 1889, p. 188.

Indians to preach the gospel and to receive the palm of martyrdom soon after the soldiers left.⁴

Coronado did not succeed in establishing permanent colonies in New Mexico, as he had been instructed to do by the viceroy. The reasons for this failure are many. The main cause may be ascribed to false notions regarding the geography of the land. The prevailing belief then was that the country formed a narrow peninsula extending to China and that a land expedition could be easily supplied by sea. Coronado's heavy equipment, seeds and farming supplies, were sent by ship to the Gulf of California and up the Colorado river in a fleet under Hernando de Alarcón. Unable to establish contact with Coronado's forces, who were thirty days' travel away, Alarcón distributed his seed and chickens among the Yuma Indians, planted crosses among them and returned to Mexico.⁵

The real cause for the failure was the poverty of the land. The New Mexico Indians did not have enough food to support a large body of visitors, and the distance from Mexico was too great to permit quick relief. The Coronado expedition was useful in that it helped to dispel the myth of the Seven Cities of Cíbola and the fabulous riches of the land.

It established that the land was rich in human element; a fertile field for the missionary.

The first friars to come among the natives died in their noble attempt of converting them. Their martyrdom was a constant reminder and inspiration to their Franciscan brothers who wanted to follow in their footsteps. These pueblo Indians were not savages, but people who lived in well-organized communities, who farmed the land, wove fine blankets and made good pottery. The natives wore no gold or silver ornaments, a proof that these metals were not found among them. Their wealth consisted of not very valuable turquoises.

4. See Hammond and Rey, *Narratives of the Coronado Expedition*, pp. 10-11.

5. An English translation of Alarcón's report is found in Hammond and Rey, *Narratives of the Coronado Expedition*, pp. 124-155.

We have seen from Bishop Zumárraga's letter that Viceroy Antonio de Mendoza wanted the conquest of New Mexico to be apostolic and not a butchery. In his oral and written instructions to Coronado and Alarcón the viceroy insisted that he wanted a peaceful exploration and conquest of the vast Cíbola land. Animated by this same apostolic spirit some friars wanted to reenter the land abandoned by Coronado. Fray Jacinto de San Francisco tried in 1559 to plant the gospel in those regions, according to a letter he addressed to Philip II in 1561, from which I cite the following passage:

"Thus, most Christian King and master, eager to see in my days another conversion similar to the one in this land, I set out from this city in the company of two friars, over two years ago, in search of New Mexico, of which there have been reports since we came to this land, although the truth has not been verified."

He said they traveled 150 leagues inland, but as the viceroy Don Luis de Velasco could not send them aid, the Provincial of the order did not allow them to go any farther. Fray Jacinto was anxious to go back to those lands. He said that all he needed to accomplish it was one hundred Chichimec friendly Indians and a Christian captain. With them: "Without wars or deaths or taking slaves a road could be opened from here to Santa Elena and to the new land reached by Francisco Vásquez de Coronado, and many leagues beyond, in a short time and at small cost, in which could be employed one or two thousand Franciscan friars in the conversion of the natives, and establish the truth regarding New Mexico."⁶

He suggested the sending of one hundred picked Spaniards under a captain. For such post he recommended Doctor Alonso de Zurita, judge in the Audiencia of Mexico. Friars and soldiers must all be paid by the king and must

6. *Código franciscano*, pp. 222-228. This is one of the first instances we know of the use of the term "New Mexico" to designate the newly explored land. It is not used in the documents pertaining to the Coronado or Chamuscado expeditions. The term is used somewhat loosely in the early chronicles. The late L. B. Bloom, *N. M. Hist. Rev.*, XV, 102, believes the first use of the term "New Mexico" with the present connotation came with Francisco de Ibarra in 1562.

not go moved by greed of riches, "nor titles to ennoble their lineages, social climbing or worldly vanity."

The Franciscans never forgot that in those distant lands lay buried two of their brothers. The yearnings of the friars did not find satisfaction until 1580. At this time Fray Agustín Rodríguez obtained permission to send a small exploring expedition into New Mexico. The party, composed of nine soldiers and two friars, under the leadership of Francisco Sánchez Chamuscado, explored the various regions of New Mexico for over a year. But Chamuscado, who was an old man, became ill and died as the expedition was on its way back to Mexico, and he was buried by the roadside. Fray Francisco López and Fray Agustín R. Rodríguez refused to return with the party and remained among the pueblo Indians to continue with their apostolic labors. They were soon killed by the natives, as had been their predecessors in the Coronado expedition.⁷

With the purported pretext of rescuing these two friars, another expedition was sent to New Mexico in 1582 under Antonio de Espejo. Like the preceding one, this expedition was small, consisting of twelve soldiers and one friar, Fray Bernardino Beltrán.

They arrived too late to rescue the friars. Espejo's real aim in coming to New Mexico was to explore the country for valuable minerals. With this aim in mind, he brought along some experienced mining men. Ore samples from various localities were assayed with disappointing results. None of the samples showed any silver, and without some mineral wealth, it would prove difficult to attract colonists. Espejo had one ore sample assayed both in public and private. To the sample assayed in public, he added a certain amount of silver so the people would feel encouraged. Despite his failure to find rich metals, Espejo continued to seek the right to colonize New Mexico. He sailed for Spain hoping to overcome the resistance of the Spanish authorities. But he never

7. See G. P. Hammond and A. Rey, *The Gallegos' Relación of the Rodríguez Expedition*, Santa Fe, 1927.

reached Spain, as he became sick on the way and died at Havana.⁸

Several unauthorized incursions into New Mexico took place during the next few years following Espejo, while colonizing proposals were being made to the crown. The initiative now comes from "criollos" who have become wealthy and want to devote their riches and energy to undertakings that will bring them prestige and titles to grace their family names.

The successful aspirant was Don Juan de Oñate, grandson of Christobal de Oñate, founder of Guadalajara in 1542, who in the middle of the century moved to Zacatecas and became wealthy as a mining operator. In 1595 Don Juan de Oñate signed a contract with the crown for the conquest and colonization of New Mexico. After many long delays and inspections imposed by the Spanish authorities to see if he carried the goods stipulated in the contract, Don Juan finally was allowed to proceed. He arrived in New Mexico in the fall of 1598. This was no longer a military foray but a true colonizing expedition composed of whole families. In search of rich lands to establish new homes, they carried their belongings, farming implements, and cattle. There were also ten friars to start the preaching of the gospel among the natives.

The Spaniards established their first capital at San Juan in the fall of 1598; later they moved to San Gabriel; then in 1609 they founded Santa Fe, which has been the capital of New Mexico ever since.

No sooner had they established themselves in the new land when difficulties began, due mainly to the scarcity of provisions and the little promise of betterment. There was no wealth to reward the settlers already in the country or to attract others. It was apparent from the start that the undertaking was too big and too costly for a private enterprise. Without help from the royal treasury it would fail.

In 1599, Oñate made a trip to the Gulf of California in

8. The details may be found in G. P. Hammond and A. Rey, *Luzán's Narrative of the Espejo Expedition*, Quivira Society Publications, Vol. I.

the hope of finding pearls or some other riches among the Indians there. He heard some yarns of great wealth "farther on," but came back empty-handed. On the way they explored some mineral deposits of no particular value. Nevertheless, Oñate continued to send flattering reports to Mexico City, always telling how he had information of wealth and expected to locate it. But in Mexico City they already knew what to believe of all these florid accounts of riches in the new lands. The viceroy had ordered the gathering and study of all the accounts of the previous expeditions by Coronado, Rodríguez and Espejo and had a digest made of what they told concerning the resources of those lands. This study was embodied in a report, a copy of which the viceroy sent to Spain together with his opinion about maintaining the New Mexico colonies. The viceroy acknowledged that the land was poor and that there was no great hope of finding silver or other rich metals to attract colonizers. Just the same, he was of the opinion the colonies should be maintained, even if it was at the cost of the crown. He told the king he could not think of an undertaking that would bring greater benefits and honor to Spain and to the conscience of his majesty.⁹

When desertions and the demand of the governor to abandon the colonies threatened their existence, the friars insisted on their being maintained. The viceroy submitted the solution of this thorny problem to a committee composed of theologians and jurists. Their decision was that the colonies should be maintained even if only as missions. The Spaniards could not withdraw and abandon the Indians already converted to Christianity, since if left to themselves they would soon revert to their former idolatry. Besides, they would be in danger of vengeful persecution by the heathen Indians who had become their enemies. The alternative would be for the Spaniards to take along the Christianized Indians as they withdrew. This was not possible for practical reasons; besides, it would be cruel to remove

9. Such is the thought expressed in a letter to the king by Viceroy Don Luis de Velasco, dated March 7, 1603 (Archivo General de Indias, 58-3-16). A similar view is expressed by Fiscal Don Francisco de Leoz, who was asked to render an opinion on the matter (A. G. I., 58-5-12).

them from the land of their birth, where their forefathers lay. The decision of the friars prevailed, and the New Mexico colonies were continued through the aid of the royal treasury.¹⁰ This aid came in yearly supply trains, which also were the means of contact with Mexico and Spain.

The colonies in New Mexico, like those of California later, were in reality missions. The new settlers devoted themselves to agriculture and cattle raising. The Indian pueblos continued to be for a long time the centers of population and commerce. There the friars built their churches and convents. The poverty of the land together with the enormous distance from Mexico hindered the development of profitable commerce and the raising of big cities. Santa Fe is the only original city established by the Spaniards that survived and prospered. The churches built by the early missionaries of New Mexico were quite humble when compared with the sumptuous temples we find everywhere in Mexico.

If material development suffers by comparison with Mexico, the missionary zeal displayed by the missionaries in New Mexico has not been surpassed anywhere. The period of greatest activity was between 1620 and 1640. In this period were built many of the best churches, and some attempts made to teach the natives. These churches were destroyed in the general Indian revolt of 1680; some were rebuilt later. Religious teaching in New Mexico was entirely in the hands of the Franciscan friars. No other religious order worked there until after the American occupation. Oñate tried to open New Mexico to all orders but without success.¹¹

10. In a communication of September 13, 1608, the king advised the viceroy to submit the decision of abandoning New Mexico to a committee composed of judges from the audiencia, jurists, learned men from the university, and theologians, both secular and from the religious orders. The opinion was rendered in writing by Fray Francisco de Velasco on January 31, 1609. He sets forth seven reasons why New Mexico must not be abandoned. The main argument is that the Indians who in good faith have accepted Christianity cannot be abandoned lest they relapse into paganism (A. G. I., Audiencia de Mexico, legajo 128).

A similar opinion had already been rendered on January 31, 1602, by the Jesuits Pedro Diez, Pedro de Ortigossa, and Pedro Morales (A. G. I., Audiencia de Mexico, legajo 26).

11. Oñate wanted New Mexico open to friars of all orders who cared to labor there. The Council of the Indies authorized only Franciscans and barefooted Carmelites (A. G. I., 58-3-13).

It is fortunate that this line of Greggs preserved some of the family records and that publication of the mottoes was made in Pennsylvania with the aid of the Delaware descendants.²⁵ It is a matter of conjecture and surmise as to the failure of genealogists to trace and publish the data of the correct form and meaning of the mottoes since the biographical publication in 1899.

burgh, n.d.), II, 440; Henry Cabot Lodge (Ed.), *The History of Nations* (25 vols., John D. Morris & Co., Philadelphia, 1906), XII (Ireland and Scotland), 248, 249, 333-340.

25. *Biographical and Genealogical History*, I, 640-641. A forthcoming article is of interest: Howard T. Dimick, "Four Johns Gregg of Texas" in *The Southwestern Historical Quarterly*.

BLACK-ROBED JUSTICE IN NEW MEXICO, 1846-1912

By ARIE POLDERVAART

CHAPTER XV

COMBING POLITICAL HAIR

Elisha V. Long, who was serving as judge of the circuit court of Whitney county at Warsaw, Indiana, though not an applicant for the office, was selected by President Grover Cleveland to fill the vacancy occasioned by removal of Chief Justice Vincent.

As a member of the bar of Indiana before coming to New Mexico, Judge Long occupied a number of positions of honor and trust. In 1863 he was appointed district attorney for Kosciusko and Wabash counties, holding the office for three years. Governor Thomas A. Hendricks, afterward a vice president of the United States, in 1872 named Judge Long to the circuit bench of Indiana presiding over the judicial area comprising Kosciusko, Marshall and Fulton counties, with a later addition of Whitley county. After completing this term by appointment he was twice re-elected, presiding for thirteen years in all. Though Long was a Democrat in politics, his personal popularity and judicial distinction were so pronounced that he twice carried Kosciusko county and the city of Warsaw by large majorities when the district was overwhelmingly Republican.

In R. E. Twitchell's opinion Judge Long's court was in all probability the strongest, intellectually, which ever sat on the Territorial bench in New Mexico.¹ Serving with Judge Long were Associate Justice Reuben A. Reeves of Texas, Associate Justice William H. Brinker from Missouri and William F. Henderson from the State of Arkansas.

Early in 1887 Congress authorized division of the Territory of New Mexico into four judicial districts, placing upon the Territorial chief justice and the associate justices

1. *Leading facts of New Mexican history*, II, 497-498.

the responsibility for carving the three districts of the Territory into four. Under the new plan, the newly appointed additional judge, Reuben A. Reeves, was assigned to the first judicial district with headquarters at Santa Fe, thus breaking the long established precedent of having the chief justice head the first judicial district and reside in the capital. Chief Justice Long took over the newly created fourth judicial district with his headquarters at Las Vegas, where he continued to reside until his death.

Legal questions coming before the Supreme Court had increased manifold for several years and the variety of cases was quite phenomenal. The *Santa Fe New Mexican* editorialized on this subject, saying:

In view of the limited population of New Mexico and the undeveloped state of our natural resources it is a surprising fact that our Supreme Court has to consider every term questions whose legal importance and whose magnitude, in reference to the pecuniary and proprietary interests involved, are at least equal to those which are involved in the litigation of the wealthiest and most populous states of the Union.²

The district court dockets had been similarly crowded. In 1886, for instance, while he was still presiding over the first judicial district, Judge Long held court eleven months, resulting of necessity in serious delay in the decision of cases appealed to the Supreme Court. This alarming situation was partially alleviated through creation of the fourth district.

Almost immediately after his arrival in New Mexico, Judge Long was faced with important political questions at solution of which he became exceptionally adept. Democratic Governor Ross upon taking office proceeded to remove all the Republican officials, but Attorney General Breeden and some other Republican officials refused to submit without a legal battle.

In January, 1886, the already familiar question of who was attorney general of New Mexico arose again, this time between Colonel Breeden and N. B. Laughlin, the latter a member of the Supreme Court some years later. Colonel

2. Dec. 16, 1887.

Breeden started to represent the Territory in the case of *Territory of New Mexico v. Kinney*,³ when he was interrupted by Mr. Laughlin, who proceeded to address the court and claimed that he was the attorney general and not Colonel Breeden. In support of his claim he produced a commission, regular upon its face, signed by Governor Ross and dated November 15, 1885. Colonel Breeden thereupon presented his commission, also regular and formal, signed by Gov. Lionel A. Sheldon in April, 1884.

Judge Long himself wrote a separate opinion which settled the dispute in a collateral way, pointing out that the question really was not before the court as an issue legally joined since it came up in the course of another controversy properly before it.⁴ Hence, said Judge Long, the court would determine the matter informally so it might proceed with the principal case, using such facts only as were then apparent and without determining finally who was the real attorney general of New Mexico.

The governor had sought to remove Colonel Breeden and had publicized his decision to do so. Since an act of congress, however, declared that the governor could appoint a new attorney general either upon death of the incumbent or upon his resignation and since Colonel Breeden appeared in person very much alive and showing no disposition whatsoever of having resigned his position, the court concluded that the political appointment of his alleged successor could not have been predicated upon either of those contingencies. On the other hand, the governor had openly announced through the press and otherwise, that he was removing Colonel Breeden and substituting Mr. Laughlin. The court concluded that it could take judicial notice of these facts as being current history of the Territory. It thereupon decided that in accordance with the earlier decision in *Territory v. Stokes*, 2 N. M. 63, Colonel Breeden's term not having expired by limitation, it would recognize his right to proceed with prosecution of the Kinney case as the *de facto*⁵ attorney

3. 3 N. M. (Gild.) 656, 9 Pac. 599.

4. See *In re Claim for Recognition as Attorney General*, 3 N. M. (Gild.) 524, 9 Pac. 249.

5. In fact, but without lawful title.

general. The court thus side-stepped a forthright clash with the governor on the question of the chief executive's power of removal of the Territorial officer.

Exactly one year later, however, the same legal question came up in another political appointment wrangle. And in this case the issue was placed squarely before the court. Judge Long again wrote the opinion.

In this case Edward C. Wade had been duly appointed and confirmed as district attorney of the third judicial district on March 11, 1884. According to Mr. Wade's contention, on November 9, 1885, Singleton M. Ashenfelter came along with an illegal claim to the office, based upon a gubernatorial commission. Wade contended the commission was void because, although it had been made by the governor, the appointment had not been approved by the legislative council. Since that ill-fated day in November, Wade declared, Ashenfelter had actually excluded him (Wade) from the office. The district court listened to Wade's story and agreeing with him, adjudged him to be the lawful incumbent.

Mr. Ashenfelter predicated his right to the office upon a commission issued him on October 28, 1885, by Governor Ross. The council had not been in session since that date and hence had not had the opportunity either to confirm or to reject the appointment. The questions presented to the Supreme Court by this controversy were:

(1) Was there a vacancy when the governor made this appointment?

(2) If no vacancy existed, did the governor have the power to create one by the mere act of appointment and delivery of a commission to Ashenfelter, and thus by the same act both create and fill the vacancy?

The real question, according to the Court's interpretation, resolved itself into whether the governor had the power to remove from office one who had been appointed for a fixed and definite term. In a lengthy summary and survey of opinions by courts of other jurisdictions on the question, Judge Long wrote that such power in the governor did not exist. The opinion was based upon pure and convincing

principles of fundamental law, but it did not negate the fact that the decision was the second in two years in direct opposition to the wishes of the executive. In what appears to have been an attempt to smooth over the governor's ruffled feelings as best he could, Judge Long declared, in an eloquent exposition of human rights:

In what has been said upon the law of this case, there has been no wish or purpose to cast the least imputation on the motives of the executive. The same presumption of good faith and honest desire to act within legal and constitutional limits are accorded to him as to either of the coordinate branches of the government, and his motives are not the subject of criticism. No doubt, he acted upon the impression that he was entirely within the line of his duty, as well as of law, and that he believed the removal of the respondent was demanded by the best interests of the public service.

It is a very delicate task for one department of the government to pass upon the acts of either of the others. It is, however, unavoidable, as the law has imposed upon the judiciary duties it can not and should not seek to escape, but rather to discharge them with the highest respect for the other departments, and with the single purpose to maintain only those principles of law firmly established by the weight of authority, well founded in justice, proper for the protection of human rights, and the maintenance of that system which prevails, that every one, however humble, shall be heard before he is condemned or his rights denied.⁶

Because of his stand in upholding the law against his own party, Judge Long was severely scored by party friends.

In the case of *Territory v. Thomason*,⁷ an interesting language problem confronted the court, originating in a criminal trial. After the trial had been concluded and while the jury was in deliberation, it developed that about one half of the jury couldn't speak a word of English, while the other half couldn't speak or understand Spanish. All possibility of deliberation or agreement was thus cut off. In desperation the jury twice earnestly asked to be supplied with some medium of communication. Finally an officer of the court, specially provided by statute as an interpreter, was first sworn and then sent into the jury room. The de-

6. *Territory v. Ashenfelter*, 4 N. M. 93 (Columbia, Mo., 1896), pp. 147-148.

7. 4 N. M. 154, 13 Pac. 223.

fendant's attorneys now contended that sending the interpreter in with the jury, when it was considering the verdict, over the defendant's objection, was error. The law is extremely jealous, said the defendant, "of the slightest communication of any person, including even the judge, with the jury after they have retired."

The question, as Chief Justice Long pointed out in writing the opinion in the case, was a novel one peculiar to New Mexico, and one which had "not been before decided by any court," in so far as the court had been able to find in its search. Hence, the judge held, this case stood on its own peculiar facts.

Deciding the point upon general principles, the court concluded that when the defendant relies upon an alleged irregularity of the court or jury, the burden is upon him, not only to show it, but also to prove he was prejudiced thereby. The presumption is, said the court, that the interpreter was in the jury room

not to communicate to the jury, but only to act as the medium of communication. He could not have been an embarrassment to the jury, for that body twice earnestly asked for his presence. The interpreter did not intrude himself upon the jury as a mere listener, but went by direction of the court, on the request of the whole panel. This case is not like one where, unbidden, a stranger goes into the jury room as a spy upon the deliberations, or as an unwelcome intruder. Such a person might be a restraint upon that free interchange of opinion so important to correct results. It is not in this case shown, or attempted to be proven, that the interpreter said a word, or performed an act, inimical or prejudicial to the prisoner, or that any juror was restrained in the exercise of his duty, or in the slightest influenced by the presence of the interpreter. Acting under oath and the order of the court, the presumption should be in favor of proper action by him, rather than against it. . . . If this officer of the court did or said anything prejudicial, that is a fact for the defendant to show in the court below in the first instance.⁸

Chief Justice Long held several distinctions in his able career upon the bench in New Mexico. Among these may be included that of having prepared the longest and most exhaustive opinion written in any case during Territorial days.

8. *Territory v. Thomason*, 4 N. M. 154, at pp. 167-168.

The controversy in question was that of the *United States v. the San Pedro and Cañon del Agua Company*, reported in volume 4 of the New Mexico Supreme Court reports. The case begins on page 405 of the volume in the Gildersleeve edition and extends through page 602, but two pages short of two hundred printed pages. The actual opinion of Chief Justice Long extends from page 414 to page 577, and there is an additional opinion on rehearing by Judge Long beginning on page 598 and continuing to page 602. In this case the United States sought to set aside on grounds of alleged fraud and imposition, a survey of public land which the defendant claimed he had derived through a grant from the Mexican government that had been made prior to the cession of New Mexico to the United States. The grant had been approved by the surveyor general, and it had been confirmed by act of congress.

In February, 1844, Jose Sefarin Ramírez had petitioned the then governor of the department of New Mexico for a certain tract of land described in his petition as over a league distant from the town of Real de San Francisco. In the case before the court it was averred that the north line of the grant as confirmed by the surveyor general, through the fraud and connivance of the original petitioner with the surveyor general and others, had been extended so as to include certain valuable copper mining properties. The bill then seeks to set aside the survey and to vacate the patent made under it, so far as the alleged extensions are concerned, on grounds of fraud and mistake. The court made a lengthy study of the facts and concluded that Ramirez was thoroughly familiar with the original delineation and that if it had not been correct he would certainly have complained and sought a correction of the descriptions. Accordingly, the subsequent delineation which extended the boundaries evidenced fraud because it in effect reversed the boundaries of the grant.

After what the court said was a careful weighing and consideration of the record in the case (which consisted of over seven hundred closely printed pages, with numerous

maps and plats in addition!), it held that the fraud and mistake alleged were clearly and satisfactorily proven. It also pointed out that in any event, by the laws of Spain and Mexico, mines would not be conveyed in such a grant since they were reserved to the crown or the government.

Both in the Cañon del Agua case in the Supreme Court and in the Las Vegas Grant case in the district court, Judge Long showed courage and legal knowledge. As in the Attorney General case these decisions made him some influential and bitter enemies. Several years later when the Court of Private Land Claims was about to be created, Judge Long was considered as one of the most likely persons to be considered for appointment to that body. His adversaries, however, slipped a proviso into the act stating that no resident of New Mexico or Arizona should be eligible as a judge for such a court. Leaders in Territorial affairs for some years had been active in promoting appointment of New Mexico and Arizona residents for official positions within these Territories, and this sudden reversal of policy has been generally interpreted as directed primarily at preventing Judge Long's appointment.

In 1890 the chief justice submitted his resignation and entered private practice of law at Las Vegas, where he died on September 9, 1928.

CHAPTER XVI

AN IRISHMAN ADORNS THE BENCH

Dr. John B. Newbrough, Ohio born spiritualist, had a vision while living in New York State which in 1881 impelled him to write a new Bible "by automatic control." He called it the *Oahspe* and had it published early in 1883. Andrew M. Howland, a well-to-do wool dealer in Boston saw a copy of the new book in a bookshop and became interested in the movement which it outlined, the founding and maintenance of a home for orphans and castaway babies.

Howland, in October, 1883, went to a meeting which Newbrough called in the interests of his new movement, and

thenceforth helped it along financially. Newbrough's plan "differed" from other orphan homes in that the children would be reared under a strictly religious program from the cradle amidst teachings of cooperation, brotherly love and helpfulness.

Down in Atlanta, Georgia, Jesse N. Ellis, the father of two young boys, also learned of the new movement through some of its literature. He was particularly impressed with communal features of the program, a "Utopian scheme for the amelioration of all the ills, both temporal and spiritual, to which human flesh and soul are heir."¹ According to Ellis' understanding of the plan, as outlined in the official literature, the property of the community which the "Faithists" would establish in some remote and isolated spot was to be held in common; no one individual was to have any separate title or property; the community would be conducted on principles of brotherly love, without master or mortal leader there to exercise control over the others; all members were to enjoy equally a permanent place in the society. This, Ellis decided, was the ideal life. He had gone bankrupt only a few years before and knew what it was to be left without any security in a cruel and merciless world. He, therefore, wrote Newbrough that he was ready to join the community and to consecrate his life, his labor and his worldly effects and prospects, together with those of his two sons, to the good of the program. He joined the group in July, 1884, at Pearl River, New York, some twenty-five miles from New York City, where the Faithists were "mustering in" to start their new adventure.

In *Oahspe* Newbrough had envisioned the type of location needed for the new Faithist colony and went West to find a permanent site for the movement. Through Arizona he looked, then in California, finally in New Mexico. Convinced that he had been guided in his choice by "Jehovih" from on high, Dr. Newbrough located his new Arcadia on the river Shalam (Rio Grande), 50 miles above El Paso, in the county of Doña Ana, in the valley of the Mesilla. He

1. *Ellis v. Newbrough*, 6 N. M. 181, at p. 184.

christened this new Vale of Tempe as the "Land of Shalam." Friction developed among the members and Ellis was ordered to leave the colony. He decided to seek \$10,000 compensation for alleged losses. In a district court jury trial, he was awarded the sum of \$1,500. The case was appealed to the Supreme Court. The opinion, handed down on August 19, 1891, stands today as a leading case on the legal doctrine of estoppel. Ellis was estopped by his own acts, the court said. It further held that there was no evidence to sustain the verdict of the jury awarding the plaintiff \$1,500; that the refusal of the trial judge to set aside the verdict was all wrong; and that the judgment of the district court would have to be reversed.²

The opinion in the case was written by Judge Alfred A. Freeman and is probably the best mixture of facetious humor and satire ever penned by a member of New Mexico's highest tribunal.

It very nearly lost him his place upon the court. President Harrison was deeply disturbed by what he regarded as conduct improper and inconsistent with the dignity of the bench.

Serving as chief justice of the Supreme Court during this time, from 1890 to 1893, was an Irish-born jurist by the name of James O'Brien, named to the post, while practicing law in Minnesota, by President Benjamin Harrison. Judge O'Brien found a crowded docket upon his arrival in New Mexico and in the three years on the bench he personally wrote twenty majority opinions and also prepared dissenting views in five cases, in addition to presiding as judge of the fourth judicial district with headquarters at Las Vegas.

Throughout Territorial days controversies involving water rights turned up in the courts from time to time with curious twists. An interesting question of this nature was decided by the Supreme Court in July, 1891, a few weeks before the decision in *Ellis v. Newbrough*, in an opinion written by Chief Justice O'Brien.³

2. *Ellis v. Newbrough*, 6 N. M. 181, 27 Pac. 490.

3. *Trambley v. Luterman*, 6 N. M. 15, 27 Pac. 312.

In May, 1846, Rafael Garcia, before justice of the peace Manuel Duran, solicited permission to erect a mill on an artificial race or ditch along the Gallinas river, near Las Vegas, explaining that erection of the mill would in no way impede use of the water from the acequia for irrigation purposes. Consent was granted and in 1849 Garcia erected a grist mill, the machinery of which was propelled with the water from the ditch, which in turn was supplied from the river. A mill, such as the one Garcia built, is described by Lt. John G. Bourke as follows:

Cottonwood log edifices, about 12 ft. square and 7 ft. high, built over the ditch to allow the water to turn a small turbine wheel. I should conjecture that in an emergency, under the stimulus of a Gov't contract, with a full complement of hands (that is to say a man smoking a cigarrito, a small boy scratching his nose, and a big dog scratching his ribs) and running full time, one of these mills could grind a bushel of wheat in a week; the ordinary output can't be over half that quantity.⁴

In 1859 Miguel Desmarais, Garcia's successor in interest, erected a new mill which he owned and worked until October, 1864, when he conveyed to Juan Francisco Pinard, who used it until May 10, 1867. Pinard sold out to Peter and Ernestine Trambley and the latter operated the mill until the summer of 1886 when George Luterman erected a wool and pelt cleaning establishment along the ditch which withdrew so much water that the Trambleys couldn't operate their mill. They brought suit against Luterman to restrain him from diverting the water from the acequia.

The controversy was first brought before a Master who concluded that the Trambleys were entitled to a restraining order from the court against Luterman enjoining him from using the water during the season of limited flow unless the water so used was returned to the ditch above the Trambleys' mill, without serious diminution in quantity. Luterman appealed. In upholding the judgment of the fourth judicial district court which had been based upon the Master's report, the Supreme Court, through Chief Justice O'Brien stated:

4. NEW MEXICO HISTORICAL REVIEW, X, 299.

The ditch or acequia in controversy was made in the year 1846, before the acquisition of the territory by the United States. The rights of the parties to the use of the waters therein then attached according to the laws, customs, and usages in force in the republic of Mexico. It is apparent that when defendant bought his mill site in 1886 the Trambleys personally, and by their predecessors through whom they claimed title and took possession, had occupied and used the premises continuously during forty years for substantially the same purposes for which they were used when this suit was commenced; hence, when defendant purchased he knew or might have known of the existence of this servitude upon the land which he bought.⁵

Anyone familiar with the final, congested hours of the last days of a legislative session will readily understand why some acts eventually reach the courts for disentanglement and interpretation. The courts, however, can do no more than interpret the law as it is actually passed, giving as much weight as possible to the true legislative intent. When Chief Justice O'Brien was on the bench and former Chief Justice Prince was governor of New Mexico a very important law which had suffered a last minute legislative abortion came before the Supreme Court for final disposition.

The trouble arose from a provision in Chapter 94, Laws of 1891, otherwise known as the Finance bill, or appropriation act for the forty-second and forty-third fiscal years of the Territorial government. Section 1 provided funds and made all needed appropriations for the forty-second fiscal year; section 2, by its terms, was intended to make provisions for the forty-third fiscal year. Charles W. Dudrow, holder of an outstanding Territorial warrant, sought to convert the same into a Territorial six per centum interest-bearing bond in conformity with a proviso in section 2 of the act.

Sections 1 and 2 occupy thirty-eight printed pages in the 1891 session laws and each of these two sections is unusually complex, "surcharged with a strange variety of detailed items and multifarious provisions." The bill was originally introduced in the Council and passed there, but it was indefinitely postponed by the House which, on the

5. *Trambley v. Luterman*, 6 N. M. 15, at p. 23.

eve of final adjournment, passed a House substitute. The Council rejected the House version and instead adopted a "Council Substitute for House Substitute for Council Bill No. 81." On the last day of the session the Council appointed a three-man committee to confer with a like group from the House to consider the matter. The joint conference, after persistent disagreements, finally recommended for passage a version of the Council substitute, whereupon rules were suspended and the bill passed. The conferees, however, had barely time to rewrite section 1 of the bill, and, finding it impossible before the hour of final adjournment to amend in terms and rewrite section 2, they appended after section 1, and directly ahead of section 2 which remained formally unamended for want of time, the following note:

The amendments in Sec. 2 (for 43rd fiscal year) coincide with those of preceding section throughout, and amounts and notes to be changed to the same.⁶

The provisions under which Dudrow tried to convert appear in section 2 of the amended act but not in section 1; hence, the court concluded that since these provisions are not found in section 1, in effect they did not appear in section 2, regardless of the fact that they did appear as part of the printed section in the session laws. Said the court in justifying its position:

This court can not afford to be technical with the law-making power of the territory. Our province is to interpret and obey the will, not to criticise the *modus operandi*, or dictate the policy, of the legislature, created by the power of the general government. In justice to the representatives of the people it must not be forgotten that the legislature was on the eve of a final adjournment when the bill passed. The house had refused to pass the finance bill adopted by the council. A final adjournment without such an enactment would be more than a calamity—it would be a public disaster. To prevent such a misfortune, haste and disregard of the usual formalities seemed imperative. Notwithstanding all this, it scarcely admits of doubt that the legislature clearly expressed the intent, when it adopted the report of the joint conference committee, that section 2 of chapter 94 should

6. *Laws of New Mexico*, 1891, Chap. 94, Sec. 2, p. 207.

contain the substantial provisions embraced in section 1, and that all provisions found in the former, not embraced in the latter, should be expunged.⁷

When the Constitution was drafted for the new State of New Mexico nearly twenty years later, the possibility of this type of confused legislation was averted by the inclusion of a provision prohibiting the amendment of legislation by reference. No doubt the recollection of the difficulties caused by this act may have added to the determination of some of the convention members to avoid the problem in statehood days.

A controversy connected with selection of the county seat of San Juan county was one of the important issues which came up for settlement during the time O'Brien was chief justice.⁸ According to provisions of Chapter 7, Laws of 1889, the legal voters of San Juan county were authorized at the general election of 1890 to vote on Junction City, Aztec and Farmington for their permanent county seat. The election was spirited and the board of county canvassers duly declared Junction City as the county seat with a majority of nine votes over Aztec, the next nearest competitor. In the election contest which followed, evidence tended to show that three non-citizens had voted for Junction City, some one else who voted for Junction City had lived in the Territory only forty days; and enough others had voted for Junction City illegally and fraudulently to change the result. Illegality of these latter votes was based on a charge of bribery. Testimony indicated that up to two or three months before the date of election there was no such place in existence as Junction City, nor was one contemplated. About that time a company was organized which purchased land at the place, platted it as a city, and gave a large square for county purposes. This company made a proposition to the San Juan county voters that, if they would locate the county seat at this place, where as yet no one resided and the lots were not sold, it would bind itself to build the necessary county buildings for the use of the county. To induce the

7. *Territory ex rel. Dudrow v. Prince*, 6 N. M. 635, at pp. 641-642.

8. *Edward G. Berry, et al. v. Henry Hull, et al.*, 6 N. M. 643, 30 Pac. 936.

voters to have a personal interest in locating the county seat at this place they began offering certificates to residents of the county to lots in the proposed town which upon their face recited a price of only \$1.00 per lot. This one dollar was clearly nominal, intended probably to pay the cost of the documents and, as the court phrased it, "so nominal as to cast suspicion upon the whole transaction." There was no outright evidence that the company actually campaigned, asking people to vote for Junction City, but conversation about voting for Junction City as county seat was constantly in the air, concluded the court, while these certificates were being issued. Furthermore, it was notable that the certificates were not good after the first of January following the election in November. Nothing was paid at the time the script was given, and the dollar was paid only upon delivery of the deed, if the certificate was presented before January 1.

Aztec, of course, heard what was taking place so it too offered some one dollar lots.

The Supreme Court made a careful survey of the facts when the case came up before it and concluded that from the two-hundred and fifty-five votes cast for Junction City, twenty-three should be deducted as illegal, leaving as legal votes cast in favor of Junction City, 232; from the 246 votes cast for Aztec, nine were found to be illegal ballots, leaving as legal votes cast for Aztec, 237. As a result, Aztec was given the county seat over Junction City by a majority of five votes.

Antonio Cortesy had been fined for selling liquor on the Sabbath. He appealed to the Supreme Court to determine whether New Mexico had any valid law against selling goods, wares, and merchandise, including liquor, on Sunday. The question was one which involved interpretation of legislative intent in amending one Sunday statute by another which, to make it more definite and certain, left out some of the phraseology of the earlier act, and reduced penalties to make the law more readily enforceable. In holding that sale of liquor on Sunday was a violation of the law, Justice Seeds, writing the opinion, concluded:

As a Christian nation, it has always been the policy of the legislature to protect the sanctity of the Sabbath; to pass appropriate laws for the proper observance of the Sabbath; and, unless the law is so specific as to demand a construction against such view, it would be a rash court that would give its adhesion to such a construction. It must also be considered in this connection that the whole trend of modern thought, feeling and legislation is toward the curtailing of the admitted evils of the liquor traffic. . . .⁹

Justice Lee and Justice McFie concurred in this majority view, but Chief Justice O'Brien found himself unable to agree and stated in his dissent:

Notwithstanding the foregoing vigorous argument of the court, redolent with the fervent eloquence of my Brother Seeds, I reluctantly dissent from the conclusion reached. What induced the twenty-seventh session of the legislative assembly of New Mexico to remove the safeguards thrown around the Christian Sabbath by a preexisting law of the territory, is not the question submitted. Has it done so, is the only point the court is called upon to determine in this case.¹⁰

The word "labor," Judge O'Brien declared further, meant "nothing more or less than manual, servile labor," and that it would be "sheer nonsense to call a saloonkeeper or merchant a laborer or laboring man."

Judge O'Brien's court needed to discipline a leading member of the bar for disrespect to the court when he prepared his brief on appeal in the case of *Tomlinson v. Territory*. Explained the court:

The brief for appellant in this cause contains such an unwarranted attack upon the trial judge, his conduct, rulings, and instructions, as to amount to a scandalous and impertinent attack upon the judiciary of the territory and of this court, of which the *nisi prius* judge is a member, which would warrant us of our own motion in striking the brief and argument from the files, and affirming the decision without further investigation. It is proper for defendant to show errors, and apply the law to the same; but to allow an attorney to come into this court, and criticise and question, comment upon, and condemn the motives which actuated the judge in his rulings below, would be to place the defendant above the law, and to subject the courts of this territory to wild tirades of abuse from any person of

9. *Cortesy v. Territory*, 6 N. M. 682, at p. 695.

10. *Ibid.*, at page 697.

malignant or depraved mind—would be lowering the dignity of the bench, and subversive of good government.¹¹

Chief Justice O'Brien and Mr. Justice Lee concurred with a separate statement, saying, "We concur . . . on account of the unwarranted attack upon the official conduct of the trial judge in appellant's printed brief." The attorney who had thus invoked the displeasure of the court was Frank W. Clancy. He sought a rehearing in the case on the ground that misconduct of counsel, no matter how gross, should not be visited upon the client, unless that client actively participated. In apologizing for his transgression, Mr. Clancy said:

If, in my earnest effort to do my whole duty to a client who has intrusted his case to me, I have exceeded the bounds of legitimate and proper criticism of the trial court, I have done so unconsciously. In view of the severe opinion of the court, and in view of the respect which every member of the bar ought always to exhibit toward the courts before which he appears, I desire to express my regret that any act of mine could have called forth from any court such condemnation, and to say, although guiltless of any intentional offense, that anything which even appears to the court improper is a fit subject for apology, which I now offer to the highest tribunal of the territory.¹²

The rights of a municipality to levy special assessments against property owners came under the reviewing eye of the Supreme Court in July, 1891. Chief Justice O'Brien, writing the opinion of the court, decided that where it did not appear that two-thirds of the owners of the property charged with the assessment had petitioned that improvements be made, a property owner could appeal his grievance, in case such an assessment was levied, to a court in equity in the district where taxes had been levied.¹³

As early as August, 1892, rumors became prevalent that Judge O'Brien desired to be relieved from his position as chief justice. His resignation followed shortly afterward and it became effective early in 1893. Judge O'Brien then

11. *Tomlinson v. Territory*, 7 N. M. 195, at p. 214.

12. *Ibid.*, at p. 210.

13. *Albuquerque v. Zeiger*, 5 N. M. 674, 27 Pac. 315.

returned to Minnesota to resume the practice of law. He died there in Caledonia on November 5, 1909.

A memorial by the Minnesota State Bar Association pays the following tribute to an able jurist:

Judge O'Brien's many friends bear witness that, as a teacher, he was thorough and energetic; as a writer, fluent and forcible; as a speaker, pleasing beyond the great majority of even good speakers; and as a lawyer and judge, he was able and painstaking, honorable and upright.¹⁴

14. Minnesota Bar Association, *Proceedings*, 1910, pp. 189-190.

Notes and Documents

The Board of Directors of the Red River Valley Company, popularly known as the Bell Ranch, have given to the University of New Mexico the business papers of that concern. Mr. Albert K. Mitchell, manager of the ranch, made the gift in behalf of the Directors.

The private papers of former Governor Richard C. Dillon have been given to the University.

* Every visitor of Isleta has been shown the grave of Padre Padilla in the sanctuary of the Church of St. Agustín on the gospel side. One tradition of the Pueblo claims that the grave contains the earthly remains of Padre Juan Francisco Padilla, New Mexico's first martyr. The few historical facts about this zealous "Tashide" are few. (1) He came to New Mexico in 1540 with Coronado as a missionary; (2) He did not return with Coronado to Mexico in 1542; (3) He was killed by the Indians with arrows and (or) stones on the very outskirts of New Spain in 1544.¹

A second Isleta tradition explains the death of Father Padilla differently.

Father Padilla at Isleta was called for a confession of an Indian at Laguna, a mission of Isleta parish. As he started back it was dusk and the snow was falling. He rode into the night and lost his way. After a long time he saw a light and he stopped at the house, but he did not know the woman who answered. She showed him the way but urged him to come in first for a cup of coffee. As he was drinking the coffee, there was a loud pounding at the door and heavy curses. It was the woman's husband. He had come home drunk and mad. He was a Mexican gambler and had lost money at cards. (sic) He yelled at the woman, calling her a fat dog and then stabbed the Father as he sat at the table. Then the woman screamed, 'El Padre, el Padre!'

* This item was contributed by Fr. Peter J. Hill, Immaculate Heart of Mary Seminary, Santa Fe, New Mexico.

1. Different narratives on the life and death of Padre Juan Francisco Padilla may be found in an article by Miguel Trujillo, "The First Christian Martyr of the Southwest," in the *New Mexico Quarterly Review*, vol. 4, no. 4 (November, 1934); and in my unpublished thesis, *The Pueblo of La Isleta during the 16th and 17th Century*, New Mexico Highlands University, 1944, ms.

The man was frightened by his own deed. He picked up the body and carried it out to the yard, and put it on the horse. He tied each boot to a stirrup and the hands to the pommel of the saddle. Then he roped the stirrups together under the horse's belly and headed the horse into the blackness. Early the next morning an Isleta woman went to the well for water and she saw the horse standing at the gate of the church yard with the body slumped over the pommel of the saddle.²

The purpose of this paper is to disprove the first tradition which claims that the earthly remains are those of Juan Francisco Padilla, military chaplain to Coronado and to prove with some finality that the earthly remains are those of Juan Jose Padilla, "doctrinero" of the Mission of San José de la Laguna, attached to the parish of La Isleta and killed around the year 1743, fitting in with the second tradition as narrated above.

The Isletan Indians claim that due to the friar's violent death, he cannot rest. The body rises in the coffin and pushes up the dirt in the floor. As often as the Indians put down the boards they rise again. They believe the friar to walk in the village at night. As this Indian tradition gained ground and popularity during the years the ecclesiastical authorities started investigations.

The ecclesiastical investigation of April 25, 1895, and the report as found in the Archives of the Archdiocese of Santa Fe is well known and has been published.^{2a} Another document (as far as I know yet unpublished) contains the official report of the ecclesiastical investigation held on the 6th of July, 1819, which implies one other investigation before 1819. The official report on the earlier investigation has not been found as yet.

In order to compare the facts of the two Indian traditions with the two ecclesiastical investigations, the complete text of the two reports is given.

Official report on the ecclesiastical investigation of 1895:

2. Julia Keleher and Elsie Ruth Chant, *The Padre of Isleta*, The Rydal Press, Santa Fe, New Mexico [1940], p. 39.

2a. *Ibid.*, pp. 50-53.

On the 25th day of April, 1895, at 9 A. M. there met at the rectory of the Parish of San Agustín at Isleta, New Mexico, the reverend priests appointed by His Highness, the Bishop of Santa Fé, New Mexico, Most Reverend Plácido Luis Chapelle, as a special committee to disinter and to examine, under the close direction of the very capable doctor Ruben Tipton, the supposed remains of Reverend Francisco Padilla, who had been killed by the Indians of Quivira, according to tradition three hundred fifty years before.

This trust was undertaken by the following venerable and reverend fathers:

José María Coudert of Bernalillo,
James Henrique Defouri of Las Vegas,
Luis María Gentile, S.J., of Albuquerque,
Juan Benito Brun of Socorro,
Francisco Gatignol of Belén,
Manuel Rivera of Tiptonville,
Antón Docher of Isleta,
Enrique Nerol (Substitute priest of Bernalillo).

The Reverend J. M. Coudert acted as chairman in the proceedings of this investigation, and immediately after the installation of the committee, they proceeded to elect and to vote for the necessary officials in the case.

In order to save time it was unanimously decided to name the officials by acclamation. These nominations fell on the following reverend gentlemen respectively:

Promotor: Rev. James H. Defouri
Lawyer (against): Rev. J. B. Brun
Secretary: Rev. Luis M. Gentile, S.J.
Notary Public: Rev. M. A. Rivera

The following laymen were admitted as necessary assistants:

Jose Rodríguez, native of the village and
sexton of the parish,
Benito García, carpenter,
Rafael Chávez,
Ramón Carrillo, grave diggers.

Before our eyes the boards of the floor were lifted and the supposed body of the deceased Fray Juan Francisco Padilla was found in the very site where by local tradition he was known to have been buried.

He was above the earth inside a trough or canoe made from a cottonwood, covered by a single lid made from the same material and

touching the board of the floor. The dimensions of said coffin are the following:

Length: 6 feet and 7 inches
Width: 17 inches
Depth: 16 inches

Following are the measurements of the cadaver:

Length: 5 feet
Length of the only foot found: 7 in.
Measurement of its hands: 7 in.

The body was found in a mummified state, and over his neck a stole, seemingly of purple color, and in a well preserved condition.

The physician, Dr. W. R. Tipton, wrote a scientific report respectively of the state and condition in which said body was found.³

Diego Abeyta whose age appears to be 90 years, and who according to his own words was sexton of the parish of San Agustín for sixty-four years, says that just prior to the time that the Indians persecuted the Spaniards (priests) and during the time that the Rev. Sánchez was priest of the place while he was still a youth, the body of the priest, Fray J. F. Padilla, came out of the earth for the first time, that it was watched for a whole night before being buried anew. The Reverend Fathers Pinon, Correa, Caballero, Valle, and Sánchez, watched and buried him. He was buried in the usual depth in the place above mentioned where we had found the body, that is near the altar to the side of the gospel. He says that the cadaver was complete at the time. He heard say that the body had in one hand a book from which one of the already mentioned priests read before the altar while shedding copious tears. At this time the sexton of the church was a man named Andrés, native of this village.

Juan Andrés Zuñi also of the same village whose age according to him was sixty years declares that when for the second time the body of the priest J. F. Padilla came out above the surface of the earth, he must have been 20 years old. "The body was," said Andrés Zuñi, "whole, complete and dry, in a mummified state, holding the book in his hands"; that again they buried him, but that he could not tell whether more or less deep than the first time.

José Chiwiwi also a native and close to fifty years of age, more or less, declared that in his youth he had seen it whole, complete and dry; that the sepulcher in which he was buried anew was of the usual depth which covers a man of average stature. Not long after this the floor was built.

Mercelina Lucero de Abeyta, also an Indian of the same village, fifty years old more or less, declares that while she was still a child the body of the priest rose above the earth.

3. This report was never found and it seems doubtful whether it was written at all.

Here end the testimonies of the first and second appearances of the body of the priest, J. F. Padilla above the surface of the earth.

Following is what refers to a strange noise which was heard at the church the night of the 25th of December, 1889, when Reverend Andrés Eschaliér was parish priest.

María Marcelina Lucero says that this noise was of someone kicking on the floor; that the altar moved and that the Indians terrified, went out of the church precipitately.

Pablo Abeyta, Indian of the same village and about twenty-nine years, declared that the noise was audible during and while the Indians danced in the body of the church, and that the altar moved visibly.

"I was," says Pablo, "at the door of the railing (of the altar) to prevent the Indians from going in to desecrate the Sanctuary." He says that several of those present went with him to see if some one was moving the altar, but that they had not found anyone. That the dance began at 8 P. M., more or less, and that it had taken place against the authorities and without the consent of the Parish Priest.

Having taken these testimonies with the utmost care that was possible, the body was buried anew in the same coffin. It was placed in the same place where it had lain, and in the depth of one foot. On digging this tomb, there were found human bones, a small rosary, and a bonnet (cap used by the clergy). In the coffin was placed a steel box containing a piece of paper in which is written a summary of this investigation and signed by each and everyone of those who formed this committee.

The investigation came to a close on the same day, the 25th at noon.

The unpublished document of July 6, 1819, is translated as follows:

Having arrived at this mission of San Agustín de La Isleta, in continuance of my juridical visitation, on the 5th day of July, 1819, on the afternoon of that day, the "doctrinero" of said mission, Fr. José Iganacio Sánchez, informed me that a coffin which he knows contains the body of Fray Juan José Padilla, "doctrinero" of the mission of San Jose de la Laguna, gradually has been coming up from the depth at which it was buried, until it reached the surface of the floor, at the Gospel side of the sanctuary of said church.

In effect, having examined the grave, I noticed that the coffin was becoming visible; therefore I ordered that on the next day, on the 6th of July, the coffin should be taken out, and this was done between 8:00 and 9:00 A. M. in my presence, and that of my secretary, Rev. Father Fray Andrés Correa, and likewise were present at this, the pastor of the villa of Albuquerque, Don Francisco Leyba, the Rev.

Father Preacher General and the present "discreto"⁴ Fray José Pedro Ruví, Rev. Father Fray José Iganacio Sánchez, and with the voice of Pro-Discreto,⁵ Father Fray Manuel Antonio García del Valle, as well as in the presence of Mr. Mayor of the district, Don Mariano de la Peña, and Messrs. Don Francisco Xávier Chávez, Don Manuel Ruví, Don José Antonio Chávez, and Don Antonio Sandoval, all distinguished and respected citizens of the first rank of this province.

The coffin, having been uncovered, I ordered my secretary to take the cover, which covered it, off and inside I found the body of the above referred Fray Juan José Padilla. My secretary, himself, took the body out of the coffin and placed it on a table, which for this purpose had been prepared by my order in the middle of the body of the church. And beginning the examination of this cadaver with the conscientiousness which this instance required, I found the body dressed with a habit so far gone that by just touching it it would change to dust as in reality did happen. Thus turning the body it remained naked and the habit was reduced to ashes or dust of a blue color. The body had a rosary on its neck, with a medal of our Holy Father St. Francis, and of St. John Nepomoceno, and an empty pendant of a heavenly blue, so bright as if it had just been unrolled from the bolt.

The body, having been cleaned of the dust to which the habit had been reduced I went near, accompanied by the persons already mentioned. I found the body complete, with the exception of the flanches of the right foot, the eyes and the tongue. The flesh, dried up, but so flexible, that in dressing it with a habit, the arms could be stretched to make them enter the sleeves and in the same manner and without difficulty the arms were crossed, noticing that flexibility in the fleshy parts of the limbs, the muscles and the neck where on the left side behind the ear, on the lower part of the skull, can be distinguished a scar or wound, which as is judged was the cause of his death. In the upper part of the skull, the skin appears the same as on the other limbs of the body and on the part [of the skull] with hair was the tonsure, as is proven by that which I am sending to our Seraphic Father, together with a parchment covered with a paper, turned to dust which was found in the coffin under the body, with the inscription which in the same shows itself. It is evident that the date which the inscription shows, namely June 4, 177 [torn] is that of the day on which for the second time he was buried by the same [torn] which indicated above to have come out [torn] to the surface of the ground. According to what old men of this province say, this priest was buried in the ground 32 years ago, which added to the 44 years that it was

4. Not necessarily the pastor, but he who instructed the faithful in the Christian Doctrine.

5. Religious, who assists the superior of a community in the government of same.

put in the coffin, totals to seventy-six years from his death to the present date. His body gives out a pleasant odor just like the earth smells when it is watered, and far from causing fear, even women and children come to see it and look at it without terror and it inspires all with reverence. By the hair and the condition of the beard, I am of the opinion with the others present that he must have died at the age of between 30 and 36 years.

After having again dressed this father, as is right, with a new habit, the body remained exposed in all religious decency, until the morning of the 7th of the current said July, on which a solemn mass was sung, with the office of the dead with common responsory and corresponding tolling of the bells. This funeral ceremony having been concluded, I ordered the coffin to be placed in the above mentioned (grave), with its inscription on a parchment of a better class than that which was found below the body which reads as follows: "This is the body of Father Fray Juan José Padilla, a religious priest, who was minister of the mission of San José de la Laguna; from the time of his death one counts about seventy-six years and with this one it is the third time the body is buried, and the second time it has come to the surface of the ground. Being Prelate of New Mexico the Reverend Father Fray Juan Francisco de Hocio. Year 1819. And in this disposal I ordered to place the body in the same coffin, place and church, where it was before until such time that the Father Regidor (Custodian) disposes of this topic, the investigation of which took place in the presence of the priests and the other gentlemen, who sign here below as eye-witnesses of what has been said.

Mission of San Agustín de la Isleta, and July 7, 1819, Fr. Francisco Leyva, Fr. Jose Pedro Ruvi, Fray José Ignacio Sánchez "Discreto"—Fray Manuel Antonio González del Valle—"Pro Discreto" Francisco Xávier Chávez—Don Manuel Ruvi de Celis—José Antonio Chávez—Antonio Sandoval—Mariano de la Peña—To which I certify.

Fray Andrés Correa,
Secretary.

In comparing the two documents the conclusion seems to be that the earthly remains are those of Friar Juan José Padilla of the Mission of Laguna. This opinion coincides well with the Indian tradition that Fray Padilla was killed on the way from Laguna to Isleta. The document of 1819 states that this was the second time that the body had risen to the surface. But the testimony of Diego Abeyta in the document of 1895 claims that around 1819 the body rose for the first time.

Of the names mentioned by Abeyta those of Correa, Valle, and Sánchez correspond with the document. The names Pinón and Caballero are not found in the document. The book about which Diego Abeyta speaks fails to be mentioned in the document of 1819.

According to the testimony of Juan Andrés Zuñi and José Chiwiwi in the previous document, there seems to have been a third disinterment approximately around 1855, of which no official report has been found thus far. However, this third disinterment would explain why the objects left in the coffin at the time of the investigation of 1819 were not found at the time of the investigation of 1895, particularly the copy of the document of 1819.

Then, too, if the remains belonged to Juan Francisco Padilla, who was killed by arrows or (and) stones, it seems difficult to believe that the body, according to the report of 1819, was complete save for "a scar or wound on the left side behind the ear on the lower part of the skull."

The conclusion then may be that the body buried in the Church of San Agustín de la Isleta on the gospel side of the altar is the body of Juan José Padilla, Franciscan missionary, murdered in the year 1743.⁶

6. A difficulty against the year of his death seems the fact that a Juan José Padilla signs the baptism and death registers at Isleta through the year 1755, unless this is another Juan José Padilla.

Book Reviews

The Los Angeles Star, 1851-1864: The Beginnings of Journalism in Southern California. William B. Rice. Edited by John Walton Caughey. Pp. 315. Berkeley and Los Angeles, University of California Press, 1947. \$5.00

"Nothing is so stale as yesterday's newspaper."

The fallacy of this commonly-accepted simile is conclusively established by William B. Rice in his documented, scholarly, and popularly-written story of *The Los Angeles Star*. This book shows the value of newspapers as historical sources—an appraisal we often shortsightedly overlook in our hasty and sometimes careless reading of the daily papers. Good newspapers are indeed the foremost recorders of the current story of man in a particular region and time.

As Caughey states in the foreword, this volume would have significance standing alone as a journalistic study of one of California's first newspapers. Furthermore, since it devotes considerable attention to other outstanding California journals of the period (a device which enables the author to present an objective view of events as portrayed by different newspapers) and touches upon problems faced by the editors, it presents a clear cross-section of the whole field of early California journalism. The influence upon the *Star* of the pioneer *Daily Alta California*, San Francisco, and its editorial rivalry with other neighboring newspapers are portrayed. Such characteristics of frontier journalism as financial problems; importance of state printing subsidies; difficulties with news sources; the development of correspondents, and contributors; news, feature-story, and editorial policies are delineated or reflected in the analysis of the *Star*. The paper was an aggressive democratic leader and a potent voice in moulding the country's destiny. Chapters discussing the war years when the *Star* was one of the papers which felt the touch of unorganized censorship are a contribution to the study of government regulation of the press.

But the newspaper is so inextricably a part of the community it serves, the heart-throb of communal life, that by its very nature it has greater significance beyond its own horizons, problems and methods. So this study necessarily does what the Los Angeles newspapers of the 1850's and 1860's did—namely, it pictures the economic, political, social, religious and cultural life of the community. The reader vividly sees the life of the people, experiences sympathetically the problems they faced, and feels the drama and importance, in the light of later years, of the sociological issues of the period as debated and portrayed in the *Star*. The book becomes an illuminating social history. The author states in evaluation: “. . . these editors were aware of much in life; they attempted to help their readers gain the same awareness. Their paper, therefore, was an educative and ameliorating influence. It also became, as its files bulked larger and larger, a prime historical source for the career of a colorful and important town.”

The *Star* was founded shortly after “Journalism . . . came to California with the Gold Rush” and within a year after Los Angeles (a town of about 1,500 persons, “the men outnumbering the women four to one”) was incorporated. In the cultural poverty of frontier life, Anglo-Saxon competed with Spanish. From this “somber setting for adventures in journalism,” the growth of the *Star* with its community is traced, step by step. During the early, unstable years, the paper was characterized by a succession of unimpressive editors, “adequate, but not distinguished service, and a conservatism that is always admired by many solvent subscribers.” Editorial subjects during the early period included improvement in mail service, articles on Indian conditions, local vigilantism, local government reform and community improvement, state and national policies affecting the Southern California area. Unfolding from the pages of the *Star* one sees the growth of manufacturing, industry, agriculture and commerce. Like other early journals, the *Star* was an outlet for literary efforts. Many of the feature articles and poems were above average in quality, Rice

says. The *Star's* interview with Olive Oatman after her rescue from the Apache and Mohave Indians was widely quoted at the time and is of such historical stature that Rice quotes it fully in the appendix. The chief literary contribution of the *Star* in its later years was the publication of Ina Donna Coolbrith's poems. A check list of these early poems also appears in the appendix.

Henry Hamilton's editorship of the *Star* after 1856 made it a positive, aggressive force at home and abroad. His influence was strong in making Southern California a Democratic pocket borough. He editorially quarreled with rival journals. In state and national politics, the Democrats and the colorful editor of the *Star* were equally successful. Finally, Hamilton's party loyalty was rewarded by his election to the state Senate. The Mormons, Indians, the Mail, and the Railroad furnished an inexhaustible supply of grist for Hamilton's mill before the issues of the Civil War occupied his attention. The fiery Hamilton remained democracy's champion, sharply criticized the war with the result that the use of the mails was temporarily denied the *Star* and Hamilton himself was arrested and held briefly for treason. The Unionist *Los Angeles News* commented that the *Star* had been perhaps the most treasonable sheet in the loyal United States, but was forced to admit that most of Los Angeles County was "double-dyed" in treason. In this respect the *Star* remained loyal to the views of its readers.

William B. Rice, the author, died in 1942 at the age of 26 while on a mountain-climbing expedition in Wyoming. Although his other research was unusually extensive for one so young, *The Los Angeles Star* was his largest achievement. It was his dissertation offered as requirement for the Doctor of Philosophy degree at the University of California at Los Angeles. He had served as lecturer in history at the University and as associate editor of the *Pacific Historical Review*. John Walton Caughey, professor of history, has edited the book for his friend and former student.

Besides the files of the *Star*, the author draws generously from the Bancroft and Benjamin L. Hayes Scrapbooks

in the Bancroft Library; the manuscripts of Abel Stearns and Benjamin D. Wilson in the Huntington Library; and from the state, county and city records.

JAMES W. MARKHAM

Baylor University

Uncovered Wagon. Hart Stilwell. New York, Doubleday & Co., Inc., 1947. Pp. 309. \$3.00

Portrait of a character against a background of lesser lights, told in the first person and in the salty language of a newspaperman who was raised tough. The book should be read in one sitting, just as a picture must be seen in its entirety.

Hart Stilwell has done a good job of writing for, although the book is fiction, that element is forgotten while reading. Stilwell has concerned himself with one person, "My Old Man," and does not deviate. The other characters, Mother, brother Duke, blind brother Richard, the daughters who worked for Bell Telephone and for Woolworth's, all nine children of the union, and even the horses, Buck, Sonny and the old white horse, move in the shadow of "My Old Man." They do move, however, and vividly on occasion.

Frank Endicott, "My Old Man," is a prototype of those restless primitives who form a hard nucleus for the migratory ne'er-do-wells of the rural communities. Ignorant, profane, untruthful, able to work himself into towering tantrums, able also to turn charm on and off as water is regulated by a spigot, cowardly at times, at other times bold as a lion, "My Old Man" emerges as exactly what he calls himself in his rages: ". . . a no good son-of-a-bitch that's just in the way and would be better off dead."

There are times in the story when the reader's credulity is a trifle strained. It is difficult to believe that the narrator could be so naive as he shows himself at first and still come out the tolerant, if cynical, person that concludes the story. Some of the incident seems repetitious, and the mother's continuous obstinacy, coupled with her eternal equilibrium, is a little hard to take. Stilwell might have allowed her one uprising against her husband to some advantage. As it

stands she simply feeds "My Old Man" baking powder biscuits, concerning which he has a definite fixation, and grows morning glories on the front porch despite "My Old Man's" constant battle against them.

The writing is flatly factual, without interjection of the narrator's self save where such interjection adds to character portrayal. There is no crusade on the author's part, no social evil to set right, no personal ax to grind, and this is a relief after Steinbeck and others. *Uncovered Wagon* is just what it sets out to be: a picture of one character, unlovely truly, but very real for the most part. The setting is agricultural Texas in the 1900's. It is quite apparent that Stilwell writes of things he knows and that he has reached into his experience rather than into a source book for his color and incident. To this reviewer it seemed that *Uncovered Wagon* was worth the money.

BENNETT FOSTER

Albuquerque, New Mexico

The Pueblo Indians of San Ildefonso: A Changing Culture.

William Whitman, 3rd. New York, Columbia University Press, 1947. Pp. vii, 164. \$2.75 (Columbia University Contributions to Anthropology, No. 34).

The Pueblo Indians of San Ildefonso is a study of a Tewa speaking group located on the northern Rio Grande in New Mexico. The work follows the conventional organization of most ethnologies. The first section deals with a general presentation of the political, social and religious divisions and organizations of the Pueblo. It contains little material that is new but does serve to orient the reader. Chapters two and three, *The Individual*, and *the Family*, give information on the socialization processes and the individual life cycle. They comprise the bulk of work and represent a real contribution to our knowledge of the Rio Grande Tewa. In these two sections numerous examples of concrete situations embodied in case histories give mathematical validity for the analysis of the social implications. The chapter on *Work* gives some information on the accul-

turated economic scene but contains little on the techniques employed in making a livelihood. The section, Religion, deals with witchcraft, and to all practical purposes, nothing else. Some supplementary material on religion appears under Dances and Games. The final chapter, Conformance, two and a half pages, discusses cultural norms, stability, and breakdown and contains some psychological inferences.

The book is disappointing. In part, this is attributable to the untimely death of Whitman, which prevented continuation of field work, and in part to the inordinate secrecy which is characteristic of Pueblo Indians. However, discounting these factors, as an ethnology it still leaves much to be desired. The cultural picture presented is essentially one dimensional and without historic perspective. The work adds little to what is already recorded for this people. It contains no photographs or other illustrative material.

The principal value of the volume stems from the fact that it highlights the disadvantages of an over-dependence upon the participant-observer technique in ethnologic work. Dr. Florence Kluckhohn in her excellent paper, "The Participant-Observer Technique in Small Communities," *American Journal of Sociology*, vol. 46, no. 3, pp. 331-343 (1940), has outlined the strengths and limitations of the use of this field method in cultures having the same or historically related cultural antecedents and has pointed out the dangers of employing it in situations where the cultural "distance" is great. Whitman's work is an exemplification of the direct relationship between paucity of results and the use of participant-observer technique in the study of Indian cultures whose way of life is even partially intact.

W. W. HILL

University of New Mexico

Franciscan Explorations in California. Herbert Ingram Priestley. Edited by Lillian Estelle Fisher. With Illustrations by Frederic W. Corson. Glendale, California, The Arthur H. Clark Company, 1946. Pp. 189. \$5.00

This is a posthumous publication of one of the unfinished manuscripts left by Professor Herbert Ingram

Priestly. The manuscript was entitled "Franciscan Exploration in California," and one is at a loss to know why the title was changed. The purpose of the manuscript seems to have been to name many towns, rivers, mountains, valleys, and other places in California; to sketch rapidly the founding of the Franciscan missions there; and to show how Upper California was opened to geographical knowledge.

About a fourth of the manuscript was published in *The Catholic Historical Review* of July, 1920. The *Review* had planned to run the remaining part, but it was never finished.

After sketching briefly and skilfully the colonization work of the Spaniards in Lower California and northwestern Mexico prior to the occupation of Upper California, Priestly embarks immediately on his main theme. The story of the first journey to Monterey and the "East Bay Penetration" is followed in rapid succession by an account of the problem of maintaining the missions and presidios, the discoveries of Father Garcés, and the first and second Anza expeditions. From these the author appropriately turns to the problem of consolidating the new settlements and the need to explore and settle part of the inland valleys (in which efforts the work of Fray Pedro Muñoz receives emphasis).

After a brief (perhaps too brief) discussion of the exploration of the river valleys, Priestly turns to the period of decline. Although the titles of the main headings and sub-headings may not indicate it, the rest of the book deals with the decline and brings in the establishment of San Rafael and the intrusion of the Russians.

It is surprising how many expeditions and itineraries are given in some detail in this comparatively short book printed in large readable type in the usual excellent format used by the Arthur H. Clark Company. Priestly relied mostly on manuscripts, and the large number of manuscripts cited is also surprising. The main reason why Priestly could put so much into so little a book is the fact that he stuck to his purpose, which may best be explained in his own words:

"Missionaries and neophytes alike are gone, but the Californian of today rejoices when he finds that his home lies on some pathway trod by the friars of a bygone day on their errands of faith." It is historians like Priestly and publishers like the Arthur H. Clark Company that stimulate interest in local history. Priestly has written again on a subject already frequently treated, but he has done an essential job of consolidating and abbreviating his subject matter into what might become a ready reference work on Spanish and Mexican colonization in California from 1769 to 1823.

Dr. Fisher made some minor additions to the work from the original manuscripts "for the sake of clarity," and added several footnotes as well as the excellent bibliography and index.

FRITZ L. HOFFMANN

University of Colorado

Necrology

JAMES BROOKS JONES.—Lieutenant Governor for two terms and at times Acting Governor during the administrations of John J. Dempsey, 1943 to 1946 inclusive, James Brooks Jones, who died at the Methodist Sanatorium, Albuquerque, on August 9, 1947, was the presiding officer of the State Senate during its sessions of 1943 and 1945.

Jones was born in Edgefield, South Carolina, in 1886. He was a grandson of General William B. Travis of Alamo fame. He joined the U. S. Marine Corps in 1912 and as corporal saw service in the Philippines, in Haiti, in Santo Domingo and in Nicaragua. During World War I he was with the U. S. Army in France, where he received injuries which caused his fatal illness, and was advanced to a first lieutenantcy. After being mustered out he settled at Raton, New Mexico, and there married Maud St. Vrain, a grand niece of Col. Ceran St. Vrain, early Taos leader and contemporary of Kit Carson. In 1920, Jones moved to Albuquerque and as traveling representative in the Southwest of a nationally known soap manufacturer, became well-known throughout New Mexico as "Jawbone" (Spanish *jabon*, soap) Jones. In the winter of 1946, after an unsuccessful campaign in the Democratic primaries for member of the national House of Representatives, he sold his Albuquerque home and moved to Hot Springs, N. M., there hoping to find relief from his ailment. He would not admit that he was seriously ill, and a few weeks before entering the Albuquerque hospital, he rose out of bed and drove around Hot Springs visiting friends in order to scotch reports that he was not well.

Jones was a member of the Elks for 29 years and was active in the Sons of the American Revolution, the American Legion, the Veterans of Foreign Wars, the 40 and 8, the D. A. V., and the Marine Corps League.

In addition to his widow, Jones is survived by two sons, J. B. Jones, Jr., Fort Sumner; Preston St. Vrain Jones of Albuquerque; and two daughters, Mrs. Carol Valentine, Oklahoma City, and Mrs. C. W. Watts of Charleston, N. C.

Funeral services at Albuquerque on Wednesday forenoon, August 13, were under the auspices of Albuquerque Lodge of Elks. The remains were taken to Santa Fe for burial in the National Cemetery. There military honors, firing squad and buglers, were part of the ritual at the grave by the American Legion. Offices in the Capitol were closed and the flag above the dome was at half mast during the ceremony. The active pallbearers were Walter Disque, John Flaska, Alfonso Castillo, Fritz Redford, George Parrish and Guy Shepard. The honorary pallbearers were: John J. Dempsey, Clyde Tingley, both former governors of the State; Drs. W. R. Lovelace, W. H. Thearle and Vere Lane; State Senators Don L. Dickason, Hilario Rubio, Juan A. Pacheco, Elmer H. Moore, Filiberto Maestas, Leonard A. Ginn, Joseph F. Montoya, James Morrow, Ray Stringfellow, Thomas Closson, J. A. DesGeorges, Sidney S. Gottlieb, Burton Roach, G. W. Evans, G. T. McWhirter, James T. Brewster, W. E. Clarke, L. T. Hall, Clarence E. Hinkle, Milton R. Smith, Arthur F. Jones, Henry L. Eager, Claude E. Gamble, and John W. Turner, Sr.

The *Albuquerque Morning Journal* paid Jones the following editorial tribute:

A colorful figure was taken from New Mexico in the death of James Brooks (Jawbone) Jones. He came to the state more than 30 years ago, soon after the first World War, in which he received injuries which contributed to his death.

He was a salesman for many years traveling all over the state, and in meeting many people could not help becoming interested in one of our chief industries—politics. He acquired a taste for talking politics and sounding out sentiment, often doing as well as any Gallup pollsters could do in forecasting election trends. It was this activity that induced him to enter politics, and easily win two terms as lieutenant governor.

Mr. Jones was known far and wide as Jawbone, a nickname derived from the Spanish word for soap—jabon—which he sold throughout the state. His jocular and jovial habits made him a popular figure, but back of that exterior was a man of character and integrity. He will be missed by a host of friends throughout the state.

HERBERT WARREN KANE.—Death came to Herbert Warren Kane, War veteran, publisher, editor of the *Las Vegas*

Daily Optic, on Friday evening, July 18, 1947. He had suffered a heart attack in the morning of that day and was taken to St. Anthony's Hospital where he died. Three months before he had undergone a serious eye operation recovery from which had been tedious. Funeral services were conducted in the Johnsen Mortuary Chapel at Las Vegas, on Sunday, July 20, by Las Vegas Lodge of Elks of which Kane had been a member. Interment was in the family plot at Leavenworth, Kansas. The pall bearers were: B. M. Werley, C. P. Trumbull, Dayton Dalbey, George Edmonds, Linton Gross, Fred Ball, Walter Vivian, E. J. McWenien, Paul Dailey and Robert Phillips.

Kane was born on May 15, 1891, in Chicago. He attended the University of Kansas for three years and was trained as an engineer, especially in water conservation and irrigation. He starred at the University in football and baseball and maintained his interest in sports in later life, especially in hunting and skiing. Employed by the French Land and Irrigation Company he later worked for the St. Louis, Rocky Mountain and Pacific Company at Raton. He enlisted in the United States Army September 7, 1917, and was mustered out at Camp Cody, on December 16, 1918. He was active in the affairs of Leonard Hoskins Post, No. 24, of the American Legion.

Upon his return from the War, he was employed by the *Raton Range* and later by the *Springer Times*. In 1922 he went to Las Vegas as editor-manager of the *Daily Optic*, a position he held until his death, having in the meanwhile acquired control of the corporation publishing the paper. He was a forceful editorial writer and highly esteemed by the newspaper fraternity throughout the State.

Kane was active in civic and political affairs. He was chairman of the Cowboys Reunion, an annual affair which drew large crowds from far and near to Las Vegas. He served in various public capacities, among them as a director of the State Hospital at Las Vegas. He was a director of the Gross, Kelly Company, the well known wholesale grocery firm.

Soon after taking up his residence in Las Vegas, Kane married Miss Helen Kelly, daughter of the late Harry W. Kelly. Mrs. Kane survives her husband in addition to a daughter, Mrs. Joseph Stein; a son, John W. Kane; three brothers, Leon Kane, Wilmette, Ill.; Stephen Kane, Leland, Ill., and Clarence Kane, Dodge City, Kansas; and a sister, Mrs. H. O. Worsley of Earlville, Ill.

Kane's was a handsome, striking personality, a genial attitude and social affability, which made him friends wherever he went. He was a Republican politically and a constant advocate in his editorial columns of civic betterment, improvement of public service and the development of the natural resources of his adopted state. Quoting an editorial of the Santa Fe *Daily New Mexican*:

New Mexico journalism has lost one of its truly outstanding figures with the death of H. W. (Hub) Kane, for 25 years editor and publisher of the Las Vegas Daily Optic.

A man of extraordinary intelligence, personal integrity and vigor, Mr. Kane was an active and beneficial influence on New Mexico politics for years. His editorials were well-documented, his style lucid, his expression pungent and his reasoning logical.

As is the case with any forthright editor, he found many who disagreed with his views. But there were none who did not respect him for his honesty and his fund of information.

Mr. Kane was one of the last of the old school of small daily newspaper editors. His death not only was a personal loss to his many friends, but also symbolized an even greater loss to his profession.

GEORGE CURRY.—The colorful and tempestuous career of George Curry, who probably held more official positions than any other person thus far in New Mexico history, came to a close in the United States Veterans Hospital at Albuquerque on Thursday morning, November 27, 1947. He was born in Bayou Sara, April 21, 1862, during the stormy days of the Civil War. His father, George, was a native of Kentucky, and his mother Clara was a native of Ireland. The father was killed soon after the close of the Civil War and the mother, taking her son, then eleven, moved to Dodge City, Kansas, a rip-roaring, lawless frontier town. Curry had but meager schooling in the public schools of the day, and soon after the death of his mother in 1879, made his way

to Fort Stanton, Lincoln county, there finding employment as a ranch hand, and later as a clerk in the store of J. C. Delaney, post trader. In 1884, he took charge of the mercantile establishment of James J. Dolan at Lincoln, Dolan having been chosen county treasurer and naming Curry as his deputy. Dolan, one of the factional leaders in the so-called Lincoln County War and active in Democratic politics, advanced Curry's political fortunes so that he was successively elected probate clerk in 1888, county assessor in 1890, sheriff in 1892, and to the legislative council, in 1894, presiding over that body during his term, 1895-1896, representing Lincoln, Chaves, Eddy, Doña Ana and Grant counties, a vast domain larger than some eastern states. He also served as clerk of the United States district court.

A turn in Curry's career came with the Spanish-American War in 1898. He enlisted at Santa Fe with the New Mexico contingent of Roosevelt's Rough Riders, commissioned by Governor Miguel A. Otero as first lieutenant and then advanced to captain of Troop H with which he was mobilized at San Antonio, Texas, and there entrained with his men for Tampa, Florida. As one of the New Mexico troops had to be left behind, Captains Luna and Curry flipped coins to determine who of the two should embark for Cuba. Much to Curry's disappointment and that of his men, Curry lost, and saw no active fighting until after he had gone to the Philippines to help quell the insurrection in those islands. Upon his return to New Mexico, Curry was named sheriff of the newly created county of Otero, having taken up his residence in Tularosa, but served only from March to August 1899, resigning to accept a commission as lieutenant of the 11th Volunteer Cavalry, advancing to command the Filipino Scouts and Captain of Troop K of the 11th Cavalry, 1900 to 1901.

Upon Theodore Roosevelt succeeding President McKinley, the men of his Rough Rider Regiment in New Mexico became the dominant political factor and many of them were given political preferment. Curry was appointed the first civil governor of the province of Ambos Camarines in

the Philippines, serving from April to August 1901. Appointed Chief of Police of Manila, he organized the first police force under the United States government in the Philippines in August 1902. Then followed a year as manager of the Camarines Mercantile Company, 1902 to 1903. He was governor of the Province of Isabella, 1904 to 1905, and governor of Samar, 1905 to 1907.

A third period in Curry's political career began when he was summoned by President Roosevelt to take the governorship of the Territory of New Mexico. Curry had severed his connection with the Democratic party and now affiliated with the Republicans. He succeeded Governor Herbert Hagerman, who in a controversy with the President over public land matters had fallen into disfavor at Washington and had been asked to resign as governor. Political dissension in the Territory at that time would have made one less favored than Curry also the victim of political intrigue. He was inaugurated the day after he arrived in Santa Fe, August 8, 1907, and pursued a conciliatory course, reuniting the Republican factions. Having completed the task assigned him by his beloved commander, President Roosevelt, Curry resigned the governorship and was succeeded on March 1, 1910, by Chief Justice William J. Mills, the last territorial governor, the enabling act making New Mexico a State being passed by Congress and signed by President Taft the same year. The year following, Curry was a candidate for the U. S. House of Representatives of the 62d Congress on the Republican ticket and was elected by a vote of 30,162, the highest cast for that honor among the four leading candidates, his plurality being 1,809. A Democrat, H. B. Fergusson, was elected to the second seat in the National House at the same time with a vote of 29,999, a plurality of 1,163. Curry served but one term. Up to 1928, he was a member of the International Boundary Commission of the United States and Mexico. He took up residence in Sierra county, living at Cutter, and returned to his first residence in New Mexico, Lincoln, 1945, to serve as custodian of the old Lincoln county court house, which had been

created a state monument and placed under the care of the Museum of New Mexico.

Curry, despite his varied career in business and politics, had not accumulated wealth, and was given the sinecure of state historian by a grateful legislature with a modest appropriation, which supplemented his pension as a Spanish War veteran. In his declining years, he gathered official documents and was engaged in compiling memoirs whose publication some day is an event to which not only his contemporaries but also the historians of the present look forward with much interest. Curry county, New Mexico, was named in his honor and he but recently attended the 40th anniversary of its county seat, Clovis. Curry was married in 1888 to Rebecca Sisneros. Two sons, Clifford and Charles F. Curry, were at their father's bedside when he died as the result of complications brought on by a kidney ailment and old age. High mass was celebrated by Rev. Fr. Daniel Krahe at St. Charles Borromeo Catholic church in Albuquerque on Monday forenoon, December 1. It was followed by a funeral service in the Palm Chapel of the Strong-Thorne Mortuary. The remains were taken to Santa Fe, where on Tuesday afternoon, December 2, burial took place in the National Cemetery, the United Spanish War Veterans, assisted by the Veterans of Foreign Wars, having charge of the last rites.

Curry was a member of the New Mexico Historical Society, of the B. P. O. Elks, Knights of Pythias, United Spanish War Veterans and the Veterans of Foreign Wars. Governor Thomas J. Mabry, when informed of Curry's death, commented: "We have lost a great and colorful citizen who never quit working for the welfare of his State. As a public official serving the territory and state over a period of 50 years he exemplified official and personal honesty, courage and nonpartisanship to a degree which made him beloved by thousands of New Mexicans."—P. A. F. W.

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PALACE OF THE GOVERNORS, SANTA FE

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Editors

FRANK D. REEVE

PAUL A. F. WALTER

Associates

PERCY M. BALDWIN

GEORGE P. HAMMOND

FRANCE V. SCHOLLES

THEODOSIUS MEYER, O.F.M.

ARTHUR J. O. ANDERSON

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Business communications should be addressed to Mr. P. A. F. Walter, State Museum, Santa Fe, N. M.; manuscripts and editorial correspondence should be addressed to Prof. Frank D. Reeve, University of New Mexico, Albuquerque, N. M.



Chee Dodge

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HENRY CHEE DODGE

THE LAST CHIEF OF THE NAVAHO INDIANS

By THE REV. FRANCIS BORGMAN, O. F. M.*

ON a wind-swept and lonely knoll in the Veterans' Cemetery near the road to Fort Defiance, Arizona, lie the mortal remains of a man whose memory will never be forgotten by the Navaho Indians as long as they exist as a Tribe. He was a man who started life the hard way and who seemed destined to continue life in a way similar to the very country in which he lived, a hard land, dry, and filled with barren wastes of sand and sage. In fact the country found in this man a reflection of itself, but differed in this that while it will ever be the same, this man turned his poverty to riches, found gold where others found only dross, and conquered native nothingness with vast sums of earthly possessions. This man whose life reads like a fairy tale unless we know the actual story, is none other than the last of the Navaho Chiefs, the snowy-haired, venerable-looking Henry Chee Dodge who passed from this life on January 7, 1947, just as the eternal sun was rising to usher in another day. Chee never saw that sunrise as he lay unconscious in his bed at the hospital, but he had seen many sunrises in his long and fruitful life, for he died at the ripe old age of eighty-seven years. Chee's life history will linger around a very, very, long time, and it will be as a legend to be repeated many times over by the elders of the Navaho tribe for the benefit of the young ones of the tribe, something as the old legends of the Germanic and Nordic races were made to live in their

* St. Michael's, Arizona.

retelling. Chee is dead, in fact, he has been dead for over a year, but not so his memory or his life's history. I think it worth while from an historic standpoint at this time, the anniversary of his death, to recount the life of a great man, even if he was great only to his own tribe, and perhaps just because he was great to his own people, a tribe of Indians numbering some 60,000 strong.

Chee Dodge first saw the light of day at Fort Defiance, Arizona, a small military outpost where his mother had been incarcerated by the soldiers guarding the Fort. The date of his birth is in the month of February, the day, the 22nd, the year 1860. We will recall that this is a national holiday, the birthday of that great leader of all times, George Washington. And like this great man, Chee was also to be a leader, although nobody would have thought so in consideration of the lowly state of his birth in a guard house.

Chee's father was a Mexican, by name, Juan Anaya, his mother a full-blooded Navaho, by name, Bisnayanichi. The clan to which Chee belonged is the maideshgizhni clan, meaning, "the coyote pass people." Chee's father had been captured by the Navahos on one of their many raids, and had been raised by them. Juan was only a small boy then and had to learn the Navaho language at which he became so proficient that he was interpreter to Captain Henry Dodge, first resident Government Agent among the Navaho Indians at Fort Defiance. It is reported that Juan was killed in a battle in the year 1862 while trying to defend the country against a band of raiders.

When Chee was only two years old he was fatherless and was soon to become motherless—an orphan while very young. It came about in this way. While Chee was still just a tiny tot, his mother had fled with him to avoid capture by Kit Carson who had been sent to round up all the Navahos and take them to Fort Sumner, the Babylon of the Navahos. Chee's mother joined a band of Indians who fled toward the Tuba City country not so very far from the Grand Canyon. Here the Indians lived as best they could and Chee's mother provided for her little son, but finally provisions ran out and the group faced starvation. So like a good mother she de-

cided to go out and find food for herself and babe. Since the country of the Hopi Indians offered the closest and best source of food she headed for the Hopi country. With some jewelry and a little money she with a few others ventured up the path into the Hopi village of Walpi, but never returned. It is believed that the group was strangled to death by their mortal enemies whom Chee's mother had the courage to face only out of mother love for her son.

Perhaps Chee inherited his courage from his mother for of courage he had a plenty. Since Chee was now motherless his mother's sister took care of him and became his mother—a custom among the Navahos even today. The little group of refugees held out as long as they could, but Kit Carson's plan of attrition by slow starvation finally won out, and so the group had to surrender and give themselves up, conquered in body but not in spirit. Chee was just about four years old.

Then began the long march to the Bosque Redondo, or Fort Sumner as it is called, a place situated on the Pecos River in the eastern part of New Mexico—Babylon to the Navahos. This march is called "the long walk," and the old Navahos remember it only too well. In order to understand why it is called the long walk, just take a map and put your finger on a place near the Grand Canyon, then put another finger at the place called Fort Sumner in New Mexico and you will understand why it was really a walk and not just a Sunday afternoon's saunter through the country. I wonder what were the feelings of these people used to the great open spaces and a life free to roam as they pleased now forced to march to captivity under the soldiers, their mortal enemies, the white men. If the Navahos could have written and if they could have had a poet or song writer what a masterpiece of sorrow would have been recorded for posterity.

As the Jews must have remembered Sion in their captivity by the river, Babylon, so these Navahos must have thought of their hunting grounds in New Mexico and Arizona and longed to run and run until the soldiers guarding them would have been just a memory. Theirs was a bitter pill, indeed. So thus we see that the life of Chee Dodge from

birth to childhood was a sad one and gave no portent of future greatness. The scenes of the guard house at Fort Defiance, the loss of his father, the flight from Kit Carson, the loss of his mother, and now the long march to captivity, all these must have made a sad impression on an impressionable youngster. Practically from the time of his birth till he was eight years old Chee had lived either as a fugitive or a captive.

For four years the Navahos were kept in captivity until they would promise to give up all raiding and attacks on other Indians and the Mexicans and on the soldiers themselves. Finally this was accomplished when the great Navaho war chief, Manuelito, gave up his war-like intentions, submitted his onetime indomitable spirit at the feet of the white man and satisfied the Government that he had nothing but right intentions. Then only did the captivity end and the Navahos were permitted to return to their reservation.

About 2,000 strong the Navahos started out for the reservation—now no longer the scourge of the plains, the marauders of the Mexicans and other Indians—but wards of the Government—to try to eke out a peaceful living in a barren land. They were never to go to war again as a tribe, but must forever be a conquered people. The Government gave the Indians their freedom but sent them back to a land they loved even though it was filled with arroyos, sand, sage and nothingness. At this time little did Chee realize that he would one day become the chief of these people with whom he now returned. Little did the Navahos think that the little boy walking along with them would one day be their chief.

In about the year 1868, when Chee was eight years old, he arrived at Fort Defiance in the company of his aunt, another of his mother's sisters since his other aunt had passed away, probably at Fort Sumner. Chee became errand boy for the soldiers and it seems that the soldiers grew fond of the little red boy and they began to call him not Henry, but Chee, meaning "red" in Navaho. These years were uneventful and during this time Chee picked up the English language, and he did a very fine job of it, although he must

have picked it up in the rough with some of the "juicy" language of the soldiery. Soon Chee was interpreting for the soldiers and later became the official interpreter of the Agent at Fort Defiance. In fact to this day Chee is called by his own tribe not so much Chee as Hosteen Adicai, meaning, "Mr. Interpreter." Chee's knowledge of English came not only from his associations with the soldiers and other white men, but also from a sort of education given him by Perry H. Williams who became his guardian. All this helped Chee in a big way, for later when Manuelito was no longer able to remain as chief of the Navahos he thought of the young man who knew English, and realizing that this would be a very great help for the tribe in their dealings with the Government, Manuelito appointed Chee to take his place and become the new chief of the tribe. Chee was then only a young man, about 24 years old, when he became not the Navaho Tribal Representative, or a delegate to represent a certain district on the reservation, but the tribe's very chief. Of course this appointment had to have the consent of the Agent of Washington, and this was readily given by Dennis M. Riordan, of Fort Defiance. It is known that Chee did so well in his new office that later on he became the chief of the Navahos by popular acclaim.

When Chee was about 26 years old he began the most profitable venture of his life, for it was then that he started in most energetically to raise sheep and cattle. It is said that Chee began with only two sheep, and by constant care and know-how he raised large and profitable flocks. He once told Richard Van Valkenburgh, "Sheep, horses and cattle are the life. In them the Navaho can prosper—for he understands how to care for them. Livestock is the backbone of Navaho life, even today." ¹ Mr. Riordan, the Agent, taught Chee how to save his money; later on Chee bought about eleven cattle, and from then on Chee was beginning to see the light of financial prosperity and independence. It is reported that Father Anselm Weber, O. F. M., of the Franciscan Fathers, St. Michael's, Arizona, also taught Chee

1. *Arizona Republic*, Phoenix, Arizona, Jan. 10, 1947.

some very good lessons, among them the necessity to save his money and to bank it so that he would not squander it as the Navaho loves to do.

As Chee's flocks of sheep and herds of cattle grew he sold the surplus stock and even attracted buyers from the East who wanted the stock for market. Chee had some very good pasture land around Tanner Springs, Arizona, and his stock must have been fat to attract the Eastern buyers. It is said that Chee made friends of these buyers and that the name of Chee Dodge was heard in the markets as that of a successful rancher.

Chee was so delighted with his success that he began to tell other Navahos the secret of his success, and wanted them to do as he had done, so that they, too, could some day become financially independent. Whether this would have been possible is largely a matter of conjecture, for the Navaho range land would hardly have been able to supply feed for the large number of sheep and cattle which would have resulted from such wholesale stock raising. Even off the reservation it is doubtful that such large production of stock would have been possible. In any event Chee meant well, for he wanted his people to advance and come to that state in which they would have no worries about their daily bread and wherewith they should be clothed. Chee wanted the Navaho to be like his white brothers who were quite comfortable and much better off than the Indians.

One of Chee's virtues was his bravery, and in fact he used to be called the "brave boy" by Mr. Riordan because he was not afraid to tackle anything no matter how hard or impossible it seemed. Evidence of this quality was seen especially at a time about 60 years ago when the wayward Navahos used to do things which provoked the anger of the Government. (Perhaps some still liked to go on an occasional raiding party into the land of the Hopis or Mexicans). Chee rebuked these Indians and their practices and reminded them that such things would lead only to trouble and possible bloodshed.

Chee was made Chief of Police and had other policemen appointed at various parts of the reservation to keep law

and order. Many Indians resented this curtailment of their liberty by one who had himself been a captive when a boy and thought that he should rather take their side than that of the Government. Resentment against the Government did not die easily. But Chee stuck to his guns, and with much prudence and patience dealt not only with these wayward Navahos but also with the policemen who had no written law to guide them and had to receive all their instructions by word of mouth only. There must have been some very amusing incidents to try to keep order with such a raw police force, but the plan certainly succeeded and helped much to bring law and order on the Reservation.

About this same time the railroad was being extended farther West, and this was a source of trouble for the Indians and the white men, and resulted in bitter quarrels and fights. In fact these quarrels sometimes led to bloodshed, and it is reported that many of the Indians were killed by their white brothers. Chee again had some work of conciliation to do and he was not found wanting. His sense of humor, of which he had an abundance, his typical Indian patience and his knowledge of the white man, all combined to spread oil over the troubled waters of strife and bitterness. It is certain that if Chee had never lived, the period of adjustment of the Navaho after captivity would have taken much longer, and would have been accomplished only after much rancor.

Those days were trying ones for the Navahos who felt that they had been wronged and that injustice was on the side of the Government, and certainly not on their side. Without a conciliator of their own race the Navahos would have suspicioned every move of the Government, and would have resisted almost every effort, no matter how good, to civilize them. Chee knew the Navaho mind (something white men never really understand), and he also knew the white man and his way of thinking. He was bright enough to realize the differences between the two and knew how to speak at the right time and what to say with a minimum of offence to either party. One can easily imagine what would have happened had not Chee been there to conciliate, and

if the Navahos were led by someone less prudent and cautious. Double dealings, misunderstandings, and perhaps futile open rebellion would have been the result with most injury going to the Navahos, because the Government was powerful whereas the Navahos were weak, because the Government had a great army whereas the Navahos had none. Perhaps it is only now after Chee's death that his qualities of bravery and conciliation are fully appreciated.

Chee's qualities as a leader were always recognized by the Government and about 24 years ago when delegates were chosen from the various parts of the reservation to represent the people of their district, Chee became the first chairman, and was to preside at the meetings of this organized body. Since that time until his death the office of actual chairman was not held consistently and continuously by Chee, but even when he was not "ex officio" chairman he still remained the "Chief," and very little was done without his council and advice. Indians from all over the reservation went to see him, especially whenever there was anything weighty or with far reaching effects pending before the Council. At these times the path to Chee's door became well worn. His place located at Crystal, New Mexico, called "So sela," meaning "two stars" (two buttes back of Chee's place), became a veritable hot bed of politics. Chee was always the gracious host on these occasions, and was always ready to help even though some might disagree with him. Some came obstinate and left the same way, but others realized that Chee knew whereof he spoke and left better informed and more willing to cooperate for the good of the tribe. When it was impossible to get to Crystal on account of the bad roads or the deep snows, the Navahos used the "speaking wire" or telephone to explain their troubles and ask help.

One of Chee's best friends and political cronies was Frank Walker, an Irish Navaho who lived at St. Michael's for many years as interpreter. Frank had many and lively battles with the "old man," as Frank used to call him. When Frank felt the need of a good conversation on some of the political questions of the day he would ask one of the Fathers to take him over to see the "old man." And Chee often came

to St. Michael's to see Frank and talk things over with him. They would sit for hours on end conversing in English and Navaho about such things as soil erosion, stock reduction, range control and many other questions.

On one occasion I visited Chee in the company of Frank Walker, and although we were unexpected Chee welcomed us with genuine hospitality and served us a very appetizing meal, and when that was finished he and Frank discussed politics and more politics. Time did not seem to concern them and it was late before we said, "Goodbye."

It seems that in all of Chee's political convictions one could discern not the well-scholared type but rather the self-made man, one who had observed much and who had learned to think for himself. His ideas were keen, full of common sense and were formed only after deep thought and attention to the problem. Chee knew what the Government wanted him to do, and he tried to please, if possible. He knew what his tribe wanted him to do, and again he tried to please, if possible. Oftentimes this struggle for a balance between two opposing factors caused Chee to do things that were considered by some the result of inconsistency and lack of oneness of purpose. But Chee was in the position of a man who is forced to ride two wild horses at one and the same time.

As an example let me give a little attention to the question of stock reduction. By all those who knew much about the condition of the Navaho range land stock reduction seemed to be a "must." The Government wanted a plan of stock reduction, but most of the Navahos were opposed to it, and they resented it. They argued that stock was the very backbone of their existence and that they needed all the sheep and cattle which they now possessed. Some of the Navahos spoke out in no uncertain terms against the Government's policy of reduction. Chee was asked to help out in this emergency and to make the Navahos see that such a plan was for their own good if they hoped to stay on the reservation as one tribe. By meetings, speeches, arguments and individual tutoring Chee used all the wit and humor at his command to get the idea across as painlessly as possible.

He also gave the example by reducing his very large flocks down to the number allowed by the Government. Chee must have done much and accomplished what he started after, for when the smoke of battle cleared he held the respect both of the Government and his people: there was no violence worth mentioning or bloodshed, and the stock reduction plan became law.

Although Chee never went to school he clearly recognized the need of education and set the example by sending his own children to school. He told the Navahos that they must take every opportunity to use the schools they had at that time, so that the Government would eventually build bigger and better schools for them. It was not easy in those early days to convince the Navahos that their children ought to receive an education in the white man's school. There is at least one case on record where the Indians became violent with the Agent of the Government because he tried to force them to send their children to school, and the Agent was fortunate to escape with his life from the meeting place. Certainly Chee deserves credit for braving the criticism of his own people by insisting on the necessity of education.

It has been told to me that Chee also realized the value of hospitals long before the other Navahos, and that he made use of them whenever his health demanded it. I myself visited him a number of times when he was hospitalized and he always had praise for the white man's medicine. It is also rumored about that he never once called for the services of the "singer" or "Medicine man" when he was ill. He must have realized the inefficacy of the native incantations to restore a person to health even at a time when practically everybody else in the tribe thought differently. Even today the "singer" is in great demand, and his presence is essential in practically every case of illness and misfortune. His own reluctance to call for the "medicine man" did not, however, prevent him from doing this service for others, for it is said that Chee helped out and paid for the "singer" service for others.

Chee was a very good friend of the Franciscan Fathers at St. Michael's, and was a very frequent visitor and guest.

In fact, he was given a room in the Fathers' house whenever and as long as he desired to stay. He was guest at the table and used to tell many stories about the Indians.

One of Chee's favorite stories was about the match. The Indians had not at that time seen a match or knew of its uses, but had made fire only in the old way by rubbing. But the white men were using matches quite regularly to the wonderment of the Indians. When a white man wanted to light a cigarette he would scrape the match along the seat of his pants and produce fire, so many of the Indians used to call the match, "fire on the pants," or, "he scratches his buttocks," because that was the original idea they had of the new invention, the lowly match.

When his services were needed to help prepare the Catechism for the purpose of instruction in the Catholic religion Chee offered his help willingly, and his knowledge of English and Navaho came in most usefully. It was necessary to "invent" words since these did not exist in the Navaho language, and the words that were already in use did not satisfy the Fathers in many instances. Words like "immortality," "original sin," and others were very difficult to render in Navaho. Chee helped here and gave good readings for these words. Even the word for "God" had to be invented. The Fathers were using the word, "do datsahi," meaning, "one that doesn't die." Chee said the word could be used all right, but the Navahos might think that a person might be talking about someone in the "sticks" who goes by that name. So Chee said he would think the matter over and after much work and discussions with the head men of the tribe Chee introduced the word, "digin ayoitei," which means, "the Great Holy One." Anybody who knows anything about the difficulty in transposing from English to Navaho will readily understand the great service that Chee rendered in this matter.

Chee was a baptized Catholic and he entered the Church when very ill at Fort Defiance hospital, December 4, 1932. He called for Fr. Arnold Heinzman, O. F. M., the Superior of St. Michael's, and received the Sacrament from his hands. Chee did not understand all the obligations of the Church

at the time of his baptism, but desired to enter the Church at this critical time of his life owing in great part to the teaching he had received in his former years through Father Anselm Weber, O.F.M., and from some of the other Fathers. During his last illness as he was suffering from pneumonia he again called for the priest and the writer of this article was at his side to administer the last Sacraments.

Chee Dodge's funeral was one that any white man would have envied and desired to have. The Bishop of Gallup was present in the Sanctuary while Father Berard sang the Mass of Requiem for the repose of Chee's soul on Thursday, January 9, 1947. At the Mass Father Berard, the greatest living authority on the Navaho language, preached in Navaho amid the sighs and tears of many who were present to pay their last respects to their last chief of the Navahos. The Chapel of St. Michael's was crowded to overcapacity and many Navahos overcame their native "taboo" and fear of the dead by being present at the funeral. The Bishop of Gallup pronounced the final absolution and asked God to grant Chee eternal rest. The funeral procession from the Church to the grave consisted of a mile long line of cars carrying the hundreds of people who wanted to be there while Chee's body was laid to rest in the Military Cemetery. Nobody could have expected a more prayerful and fitting funeral than was given to him by his old friends, the Franciscan Fathers of St. Michael's.

In the course of his long life Chee had a number of children, and these are still living with the exception of one, Veronica Dodge. Chee leaves the following to sorrow for him: Tom, Ben, Antoinette, Anna Dodge, Josephine Watchman, and also a ward by name, George Dodge.

After Chee's death it was decided to open the safe at his home in order to carry out the provisions of his last Will and Testament. It is said that he forgot to write down one of the numbers of the combination to the safe, and that his son, Tom Dodge, had to hire a professional "safe cracker" to open it. Chee left about \$200,000 in money, Government bonds and rugs—a tidy sum for any Navaho to have accumu-

lated. Chee left this life very much richer than he had entered it.

It may be well here to quote Mr. James Stuart, the present Superintendent of the Government at Window Rock, Arizona. He pays tribute to Chee in these words, "There is no question that Chee was a great leader of his people. And if material proof is needed it can be found in his leadership of the Navaho delegation which went to Washington last spring, presented the problems of the tribe to members of Congress, and won appropriations for the reopening of reservation schools."²

Father Anselm Sippel, O. F. M., the present Superior of St. Michael's, has this to say: "With the death of Chee Dodge the Navaho tribe has lost a great and colorful leader, and a staunch friend of everyone working for the rights and privileges of Indians."^{2a}

Now Chee is gone and we will see him no more on earth, but his memory will stay green as long as the Navaho tribe exists. Whether the Navahos walk with their sheep, or sit in the friendly hogans by the light of the fire, or thunder across the prairie on horseback, or convene for one of their many ceremonies, or gather at Window Rock for one of the tribal Council meetings, the memory of Chee Dodge will live with them, and his name will be spoken with reverence by the young and old alike. He was a great man to the Navaho Indians, their last chief, and to replace him will be very difficult, indeed.³

2. *Gallup Independent*, Tuesday, Jan. 7, 1947.

2a. *Ibid.*

3. Sources: *Scenic Southwest*, April, May, 1947: Gladwell Richardson. *Adahoonilthigii* (the Navaho Language Monthly) Feb. 1, 1947.

NUESTRA SEÑORA DEL ROSARIO
LA CONQUISTADORA

By FRAY ANGELICO CHAVEZ

INTRODUCTION

The centuries-old New Mexican Devotion of *Nuestra Señora del Rosario*, also called with affectionate familiarity "*La Conquistadora*," deserves special study, not only because it parallels and perhaps exceeds three full centuries of Southwestern history, touching on important names and events at different periods, but also because, largely independent of official Church or State acts, it was a popular movement which brought the scattered Hispanic colonists of the Southwest together without regard to class or station. It was Spanish in concept and feeling, as contrasted with the primary concern of the Mission fathers with the Indians; and it was Catholic to the core, being founded on, and quickened by, an especially Spanish-Catholic filial devotion towards the Mother of God. Its main object was to honor Mary under the special title of "Our Lady of the Rosary" and, more particularly, as the "Lady-Conqueror" for ethnic reasons to be discussed later on. Officially, the royal government had nothing to do with the society and its activities, although the Governor as a private citizen often headed the list of civilian and military devotees from the entire "Kingdom." Even the Church, although all activities of the Confraternity centered entirely around religious functions under her supervision, did not include them in her ordinary official acts. In its early phase the Franciscan Fathers themselves enrolled and paid dues with the rank and file of lay-members, and only laymen were periodically elected *Mayordomos* and deputies. These facts explain, moreover, why no specific mention of the Confraternity is to be found in the civil and ecclesiastical acts of the Governors, *Cabildos*, and Franciscan *Custodios* of the seventeenth and eighteenth centuries; they also show why little or nothing was known in modern times about its nature and origin, except for clouded tradi-

tion and the annual event celebrated in Santa Fe from time immemorial which came to be known as the "De Vargas Procession."

Briefly, the popular tradition of the past century and a half is this: As the Spaniards were preparing to reconquer Santa Fe in 1692, the great Captain-General, Don Diego de Vargas, solemnly vowed to build a special chapel for his own favorite statue of Our Lady of the Rosary, should he gain a quick victory, and also to hold a yearly procession in her honor; the image was carried into battle and the Spaniards gained an effective *conquista*, and thereafter this particular image came to be known as *La Conquistadora* and Santa Fe's very own little Lady.¹ Other legends and practices grew around these bare essentials of the story. But decades ago our own Catholic historian, Benjamin Read, with all his warm devotion to things Spanish-American and his deep Catholic faith, could not accept it in the light of the de Vargas *Campaign Journals*, which make no mention of it at all, and because of the people's ignorance of two separate reconquests (1692 and 1693) by the same man.² Others have tried, in all sincerity, to evaluate the historic essentials of the tradition and to draw the best plausible conclusions therefrom, but they have been baffled by a complete lack of early historical sources.³

1. Very Rev. James H. DeFouri, *Historical Sketch of the Catholic Church in New Mexico* (San Francisco, 1887), p. 15. The author expresses this tradition as he learned it from the people of his day.¹ See also Hallenbeck and Williams, *Legends of the Spanish Southwest* (Glendale, 1938), pp. 97-100, in which a chapter, entitled "La Conquistadora," treats the matter most sympathetically as a legend.

2. *Illustrated History of New Mexico* (Santa Fé, 1912), p. 293, note.

3. L. Bradford Prince, *Spanish Mission Churches of New Mexico* (Cedar Rapids, 1915), pp. 107-109. The author gives Father DeFouri's rendering of the popular version of the old tradition, and comments thus: "Matters of tradition can scarcely be expected to possess strict historical accuracy, and in the course of years dates which depend on human memory are likely to become uncertain, so it is not surprising that there are doubts as to the entire correctness of the foundation for this annual procession as stated by Father DeFouri." He then quotes Read's footnote and continues with greater insight and patience: "On the other hand it is difficult to conceive how a custom and tradition involving the whole community could have originated without some foundation.

One special article which treats the tradition *ex professo* is a study made over ten years ago by J. Manuel Espinosa, "The Virgin of the Reconquest of New Mexico," *Mid-America*, VII (1936), pp. 79-87. After quoting de Vargas about leaving for Santa Fe "under the protection of Our Lady of the Conquest" and his plans of restoring the old church for the same Lady, the author reiterates the popular tradition plus other legends and contemporary information acquired from old-timers in

L. DEPT.

The recent discovery of late seventeenth and early eighteenth-century fragments bearing directly upon *Nuestra Señora del Rosario La Conquistadora*, under this specific name, together with a fresh examination of early parochial records and the de Vargas *Campaign Journals* themselves, have made the present study possible. So many and so varied are the facets of this subject that it becomes necessary to treat the principal ones separately, closely inter-related though they be. The origin and nature of the *cultus* and its *hermandad* come first, for chronological reasons; then the *little statue itself*, the material object around which the devotion has revolved; and lastly, the question of *chapels*, and the annual *fiestas and processions*.

CHAPTER I

THE CULTUS AND CONFRATERNITY

DRIVEN out of their homes by the Pueblo Indian Revolt of 1680, the Spanish inhabitants of "*el Reyno de la Nueva Mexico*" took refuge far to the south in the el Paso del Norte district on the banks of the Rio Grande, in what is now extreme western Texas. The settlements of San Lorenzo, San Pedro de Alcántara, and Santísimo Sacramento were established at various localities twelve leagues below the Mission of Guadalupe, now Ciudad Juárez, Mexico, as a temporary base of operations for a return expedition into New Mexico. This latter, in 1681, proved a failure, and Governor Otermín decided to make San Lorenzo a more permanent settlement. Named in honor of St. Lawrence Martyr, on whose feast-day the Pueblo Indians had massacred twenty-one Franciscans

Santa Fe, and then draws out a complete and direct relation between particulars of the Santa Fe tradition and similar ones of a like tradition in Mexico City dating from Cortés. He then shows that the "Lady" of the 1692 peaceful reconquest was not a statue but the Royal Standard bearing a picture of Our Lady of Remedios, and that in the second entry of 1693, although the *Remedios* title is not used (only *N. S. de la Conquista*), both titles refer to the same image since in the Cortés tradition the titles are synonymous. Furthermore, the names *del Rosario* and *Conquistadora* are not to be found in old sources and, therefore, "On these grounds the conclusion would be that the present image of *la Conquistadora* is not the original one brought by Governor Vargas in 1693, or else that it was converted into a *Virgen del Rosario* sometime since reconquest days."



Nuestra Señora del Rosario

and several Spanish families, San Lorenzo was designated as the Spanish town of this general region in 1681, while the friendly Indians who chose exile with the Spaniards were assigned to three villages which were named Senecú, Socorro, and Ysleta. Two years later, Governor Cruzate and Father Nicolás López rearranged the colonists by assigning the Spaniards to San Lorenzo, San Pedro, Ysleta, and San José, and the Indians to Socorro, San Francisco, Sacramento, Senecú, and La Soledad. The following year, in the spring of 1684, a serious uprising of the Mansos and other wild west Texas tribes against the settlements was put down after much bitter and heroic fighting. Even as far back as January, 1682, the Apaches had begun raiding the refugees, and between 1680 and 1684 other Indians of the region had made at least five attempts to destroy the Spaniards. In the latter year, therefore, most of the Spanish settlers were herded into San Lorenzo, headquarters of the civil officials. So discouraged were the people by this unsettled and precarious state of affairs that they began petitioning for a permanent return to the safety of New Spain. In this latter course of action they were opposed by the Governor and the Franciscan Fathers.⁴ Nine years later, at the close of 1693, they returned to their old Kingdom of New Mexico as *Reconquistadores*.

It was in this *Real* of San Lorenzo, and at this very period, that there existed a popular religious society or confraternity, called *La Cofradía de Nuestra Señora del Rosario La Conquistadora*. Its activities colored New Mexico life and history for many generations before and after, yet its existence is but faintly hinted at in civil and church records. Some loose sheets from the Confraternity's Inventory and Account books, fragments that lay completely forgotten for almost two centuries, however, have enabled us to reconstruct a phase of living among the people of New Mexico other than those concerning Church and State squabbles and

4. Anne E. Hughes, "The Beginnings of Spanish Settlement in the El Paso District." (*University of California Publications in History*, Vol. 1, No. 3), pp. 315-392. I have depended on this study for the above précis on the New Mexico exiles from 1680 to 1684.

military campaigns. The fragments are much too few in number, unfortunately, but in clearness and directness of information they leave nothing to be desired.⁵

On the very first page of the Inventory fragment is a statement by Captain Alonso del Río, *mayordomo* of the *Cofradía de Nuestra Señora La Conquistadora*, that he has received all the Confraternity's property from Francisco Gómez Robledo, who had been *mayordomo* in the preceding year of 1684. The Confraternity is in arrears because of hard times that year, as we learn from a contemporary loose sheet of an Account book. We also know from history that the Mansos uprising that year had placed the settlers in dire need. Father Francisco de Vargas, in charge of San Lorenzo in 1685, signs the record together with the outgoing and incoming *mayordomos* and three deputies. The reverse side of the first Inventory sheet begins with an official Visitation by Fr. Pedro Gómez, Vice-Custos and Ecclesiastical Judge, on October 18, 1686; he finds some articles old and outworn and regulates the disposal of them; then, in his own handwriting, he makes a complete inventory of the images, clothing, jewels, and other properties, which runs through almost three pages of fine writing. The succeeding pages up to the year 1704 are filled with additional gifts by individual devotees, with *Visitas* by the various *Padres Custodios*, and with the receipts of Confraternity books and property by incoming *mayordomos*. The other loose sheets, from different account books, touching scattered years from

5. Archives of the Archdiocese of Santa Fe (hereafter referred to as AASF), *Spanish Period*, No. 1. These fragments consist of a small section from an inventory book and several single sheets from different account books, all of which are designated as follows: (a) Inventory, 9 ff. (3 to 11), Feb. 26, 1685-May 1, 1704; (b) Accounts, 1 f., May 8, 1685-Feb. 2, 1689; (c) Accounts, "*Cuaderno Segundo*," 1 f., June 14, 1689; (d) Accounts, 4 ff. (1 to 4), 1713-1719; (e) Minutes, 1 f., 1717-1718; (f) Accounts, 2 ff. (63 and 97), 1717, 1724-1726. In the spring of 1947 I found these fragments in different packages labeled as miscellaneous papers, and mixed in with sundry old and modern documents. They are together now in the individual folder described above.

The historical section of the Archdiocesan Archives was begun sometime after 1935 when Archbishop Gerken had a fire-proof vault built to house all church records, which he ordered collected from parishes and missions. At this time a general assortment and filing was made. The baptismal, marriage, and burial volumes were dated and tagged, and a general classification was made of loose papers. I am deeply grateful to his Excellency, the Most Rev. Edwin V. Byrne, D.D., present Archbishop of Santa Fe, for graciously allowing me to examine this material in my search for *Franciscana* and thus, as I go along, to classify and file these treasures for historians in the future.

1685 to 1726, are filled mostly with the annual dues and names of members.

Just as no specific mention is made in contemporary outside sources of the existence of this Confraternity and its many activities, so we find no outright reference here to the political, economic, and military struggles which were going on continually. Here there is but one purpose, to honor with zealous affection "the Queen of the Angels," *Nuestra Señora del Rosario La Conquistadora*. No other mundane thing is mentioned here, except the material offerings necessary to keep her Serene Highness in a state befitting her majesty, to observe her feasts as solemnly as might be possible, and to assure the prayers and suffrages in her name for the living and deceased members of her society. Individuals who appear blazoned with glory in the annals of the Reconquest and after here appear as vassals, in the company of lesser names, at the feet of their common Queen. In short, just as the civil and military, even the ecclesiastical records of the period, give no hint of the existence of this Confraternity and its internal life, likewise a careful perusal of its few records extant provides no idea of the important historical happenings of its times. Both, however, complement each other, and one comes to know the early European inhabitants of New Mexico better, singly as well as in the mass, because of these documents.⁶

In 1691 a new and altogether different kind of Governor and Captain-General was sent to the discouraged exiles at el Paso del Norte. Don Diego de Vargas Zapata Luján Ponce de León was worthy of his ponderous name as a Spanish grandee, both because of his forthright, winning personality and the enthusiasm he instilled in most for a sure and glorious reconquest of their northern homeland from which they had been forcibly expelled and the re-establishment of the Indian Missions. He was, moreover, a deeply religious man. True, as others have pointed out, he had sown

6. For the sake of order and clarity, the full text of these *Conquistadora* fragments in English is appended as the closing section of this study, together with notes connecting various items and names with historical events and persons. As a social as well as a historical study, these facts are certainly most pertinent.

his portion of wild oats in his younger days, but now in more mature years he undertook his great task with a religious sincerity of purpose which was never contradicted, but rather enhanced, by his actions during his two terms as Governor. His childlike devotion to the Virgin lights up many a page of his *Campaign Journals* during and between the two *Entradas* or Conquests of 1692 and 1693.

In the first purely military entry, when he received the peaceful submission of all the Pueblos, his troops followed a particular royal standard or banner on which was a painting of *Nuestra Señora de los Remedios*, one of the many titles under which New World Spaniards honored Mary. De Vargas himself seemed to be especially attached to this name and picture. He grew almost lyrical in making the different Pueblos submit to Her on the Standard, to whom he continually refers as "Mary—the Virgin—Our Lady—the Pilgrim Lady," but most often as "*Nuestra Señora de los Remedios*."⁷ His glowing reports to the Viceroy on the first Reconquest set off extraordinary religious and civic rejoicings in Mexico and other cities of New Spain. They also inspired the famous *Mercurio Volante*,⁸ which so charmingly exaggerates de Vargas' speech regarding his Lady to the chiefs of one of the Moqui (Hopi) Pueblos.

In his second *Entrada*, the Reconquest of 1693, when he took along the seventy families of settlers with their household goods, de Vargas no longer wrote of Our Lady of *los Remedios*, but of Our Lady of the Conquest—*Nuestra Señora de la Conquista*. However, since he made no mention of any Confraternity, or the specific title of *Nuestra Señora del Rosario La Conquistadora*, his frequent use of this term was taken to mean, and not without reason, the royal standard which was triumphantly carried ahead of the troops in both *Entradas*.⁹ One single reference in secular documents,

7. This title cannot be rendered properly into English. *Remedios* does mean "remedies" or "cures." Some have translated it variously as "Our Lady of Remedies" or "of Help" or "of Ransom." The Spanish meaning as used here connotes all these ideas in one word.

8. Don Carlos Sigüenza y Góngora, *Mercurio Volante* (Los Angeles, The Quivira Society, 1932), p. 123.

9. See Note 3, "The Virgin of the Reconquest."

which proves nothing alone, points to the Confraternity's existence: On June 17, 1692, de Vargas sent certain *Autos* of Possession of the el Paso Missions to the Viceroy, and in the accompanying letter he mentions having attended one evening the Novena and Rosary services of Our Lady of the Conquest.¹⁰

But neither do the Confraternity fragments make any reference to the first entry of 1692, so enthusiastically celebrated in the cities of New Spain, nor even to the second entry of 1693 with its famous battle for Santa Fe, although the pages extant cover that period. And yet, they contain some revealing passages concerning the great Reconquistador. Besides donating certain costly items to this Confraternity, de Vargas was elected, or very likely had himself elected, the *mayordomo* or President of the Confraternity from the year 1692 on. His predecessors as *mayordomos* had been ordinary minor leaders, elected more or less annually.¹¹

The period following the Reconquest up to the close of the century was hectic, years of reconstruction and resettlement amid new Indian uprisings and campaigns against the nomadic tribes. But the Confraternity's activities continued apace, except for one omission which is pointed out by the Custos, Fr. Antonio Guerra, in his *Auto de Visita*, Santa Fe, May 30, 1702. For nine years, he says (that is, since 1693), the dues-accounts had not been kept up, and so the books were full of confusion.¹² The fragments of Account books that follow, sketchily covering the period from 1713 to 1726, are very likely the results of his orders regarding a scrupulous keeping and auditing of accounts in the future. As remarked before, many outstanding things happened during this period which find no mention in these

10. Archives of New Mexico, A. G. N., *Historia*, 37, part 3, ff. 340-341. "y habiendo la concurrencia de estar de novena en esta Santa Yglesia Nra. Señora de la Conquista por la tarde fui al Rosario. . . ."

11. Inventory, f. 7. These men served as *mayordomos* in those days: Francisco Gómez Robledo (1684), Alonso del Río (1685-1691), Francisco de Anaya Almazán (1691), Cristóbal de Tapia (1692); during de Vargas' first term, from 1692 to 1696, the *teniente mayordomos* acting in his name were Luis Granillo (1692-1695) and Antonio Montoya (1696). De Vargas seems to have established a precedent, for later Governors appear as *mayordomos*, as noted later on. Gómez Robledo had been *mayordomo* already in 1656-9 and 1664. See note 23.

12. Inventory, f. 9, both sides.

records. De Vargas was unjustly imprisoned for three years by his successor as Governor, who apparently succeeded him also as *mayordomo* of this Confraternity; he finally returned to New Spain to lay his case before the Viceroy, to come back triumphantly as a Marquis for a second term as Governor, and also as *mayordomo* of *La Conquistadora*, until his somewhat sudden death in April of 1704. Other governors came and went, and a large new parish church, the Parroquia, was a-building during the first two decades of the new century. But none of this is mentioned in the Confraternity books, just as the Confraternity is not mentioned in other documents, either secular or ecclesiastical. Yet it was fully alive and active up to the year 1726.

After 1726, for about four decades, we have no more knowledge of it, simply because not a fragment of later books of the Confraternity, if there ever were any, has yet turned up. However, some books did exist as late as 1782 when the then Custos, Fr. Juan Bermejo, started a new volume "because the old books were altogether unserviceable, which were filed where they belong."¹³ Of these latter there is now no trace. Moreover, we know that a Confraternity did exist twelve years prior to Fr. Bermejo's new book of 1782 from two other still old sources which are graphically distinct and different in treating the same subject. These are the famous *Report* of Fr. Atanasio Domínguez and the *Noticias* of Juan Candelaria, both written in the same year, 1777.¹⁴ On an official Visitation to the Franciscan Missions of New Mexico, Fr. Domínguez described with discerning eye all the good and the bad that he found in the friars' administration of the Missions and the state of their churches

13. AASF, Book LXXX, *Libro donde se asientan los Cofrades de Ntra. Sra. del Rosario*, ff. 1-2. This leather-bound volume consists of forty-six *fojas*; up to f. 31 the pages are filled with the names of Santa Fe and *vecino* members, December 31, 1819. The rest of the book, mostly blank, contains a few scattered entries, most of them written in a very poor hand, without system and dates. Two exceptions are the more or less orderly entries for 1845 and 1848, the result of Bishop Zubiria's visit.

14. Fray Atanasio Domínguez, *Report*. N. M. Arch., *Bibl. Nac. de Mex.*, 10, part 2, ff. 4115 *et. seq.*; "Noticias of Juan Candelaria," NEW MEXICO HISTORICAL REVIEW, IV, 274-297. These reminiscences were written in 1776-77 by an old resident of Albuquerque who claimed to have been born in 1692. The original or a copy of it found its way to Mexico long ago, and a transcript of it was given to Dr. Sylvanus G. Morley by Don Federico Gómez de Orozco of Mexico City.

and convents, with particular emphasis on the *Villa* of Santa Fe. Regarding church societies, Fr. Domínguez enthusiastically approved of the *Cofradía de Nuestra Señora de la Luz* which had been established seventeen years before in the military chapel of Our Lady of Light, the *Castrense*. Not only was this relatively new chapel a marvel to behold among the poorer and more antique Missions, but its sodality's papers of canonical foundation were in good order. Not so, however, the *Cofradía de Nuestra Señora del Rosario*, which looked like a spurious thing to him. Listen how he tells it:

There is no canonically chosen Patron Saint in this Kingdom of New Mexico, as there is in most parts of Kingdoms, Provinces, Cities, Villas, etc., and although among the common people Our Lady of the Rosary is said to be it, this is not so: and this vulgar opinion takes its origin from what has happened in the years from 1770 to the present one of 77. . . .¹⁵

"What has happened in the years from 1770 to the present one of 77" is revealed by the Candelaria account. Unlike the most efficient and well-lettered Friar-Visitor from Mexico City, old Juan Candelaria wrote simply but with patriotic pride, covering the same points and period as Fr. Domínguez in this matter. After giving a very faulty "traditional" history of New Mexico up to his day, this old native ended his "Accounts" with a contemporary event which was fresh in his memory. In the year 1770, he wrote, the people of the Kingdom were in dire straits from the continuous attacks made against them by their "barbarian enemies," the wild Apaches, Comanches, and Navajos. And because there was no other recourse left but to turn to God, the people decided to elect a special heavenly Patron to intercede for them before the Divine Majesty:

Well aware of the fact that the most powerful intercession before the Omnipotent is His most holy Mother, whose Holy Image, with the title *del Rosario*, is venerated in the Parish Church of this *Villa* of Santa Fe, brought there by the Conquistador Don Diego de Vargas, for which cause they call her *La Conquistadora*, the inhabitants

15. *Op. cit.*, f. 4115. "No ai en este Reyno de Nuevo-Mex.co S.o Patron jurado, como lo ai en las mas partes de Reynos, Provincias, Ciudades, Villas, etc, y aunque vulgarmente se dice serlo N. S. del Rosario, no es assi: y esta vulgaridad toma su origen por lo sucedido en los años desde 1770 hasta el presente de 77. . . ."

resolved to elect her as specially sworn Patroness of said Kingdom, and that a yearly church-function be celebrated in her honor in said Church, with the greatest solemnity possible, on the first Sunday of October.¹⁶

Candelaria goes on to tell how the *vecinos* applied to Governor Mendinueta, who referred them to the Franciscans so that they might publish the proposal in all the Missions. This was done, and from this time was born a Confraternity with its annually elected *mayordomos*, its dues in kind collected from all over the Kingdom, and its special festival on the first Sunday of October. The first *mayordomos* in 1771 were Don Carlos and Don Bartolomé Fernández; in 1772, Don Antonio José Ortiz and Don Blas García; in 1773, Don Francisco Trébol Navarro and Don Diego Antonio Baca; in 1774, Don Toribio Ortiz and Don Manuel Sáenz de Garviso; in 1775, Don Juan Antonio Ortiz and Don José Galves; and in 1776, Don Antonio José Ortiz, for a second term, who offered himself as perpetual *mayordomo* with the help of Don Cristóbal Vigil.

This Festivity continues without fail until the present year of 77 . . . and it is hoped that it will be perpetuated because of the palpable favors which, through the powerful intercession of the Sovereign Queen of all things created, have been experienced and are being experienced.

Thus end the *Noticias* of Juan Candelaria. According to both him and Fr. Domínguez, the choice of Our Lady of the Rosary, *La Conquistadora*, as special patroness of New Mexico, and the institution of her Confraternity with its festivals, were something altogether new, the result of a popular movement which took place seven years previously. The inescapable conclusion from these two accounts so dissimilar, yet so complementary, is that by 1770 the old Confraternity of *La Conquistadora* had been completely forgotten. The *antiguos libros inservibles* mentioned by Fr. Bermejo in 1782 were merely the accounts and minutes that had been kept since 1770, for in his 1776 tour of New Mexico, after which he wrote his critique, Fr. Domínguez complained of the Confraternity's not being of canonical

16. *Op. cit.*, pp. 293-295.

establishment and of the people's recent unauthorized election of Our Lady of the Rosary, *La Conquistadora* (to him a vulgar title), as sworn Patroness of New Mexico. He apparently knew nothing, nor did the local friars themselves know anything, of these few earlier fragments that have turned up in our time. These, as one may judge from their excellent condition, must have lain pressed and hidden from destructive sunlight and other elements in some old leather-bound baptismal or marriage volume, or among undisturbed sheaves of matrimonial investigations. These loose sheets seem to have been taken out only in recent years, only to be consigned, unnoticed, to packages of "miscellaneous papers."¹⁷

How long the Confraternity lasted in its first phase after 1726, it is impossible to say. Perhaps it dwindled gradually through the next thirty-four years, to die a natural death. Perhaps it received the final *coup de grace* while in its dying condition from the establishment of a new and rival society having similar aims and procedure. This is why the Confraternity of Our Lady of Light deserves special attention here. The new Marian society was inaugurated with great fanfare in 1760-1761 by the then Governor, Don Francisco Marín del Valle, in connection with the erection of the new military chapel of the same title, with its now famous stone reredos.¹⁸ The Governor even had its Constitutions printed in Mexico City, and Bishop Tamarón of Durango, in Santa Fe on one of those very rare episcopal Visitations to New Mexico, had been present at its very first meeting.

Some writers have advanced the idea that Governor del Valle, because he was partial to the Jesuits and disliked the friars, sought to replace the Franciscans in New Mexico with them. That he did favor the Society of Jesus was nothing untoward, for individuals in the Church have at all times favored this or that Order or Society as a result

17. See Note 5.

18. A. von Wuthenau, "The Spanish Military Chapels in Santa Fé and Reredos of Our Lady of Light," *NEW MEXICO HISTORICAL REVIEW*, X, 175-194; Eleanor B. Adams, "The Chapel and Cofradía of Our Lady of Light in Santa Fe," *Ibid.*, XXII, 327-341.

of family or educational connections, or some other factor. To say that this Governor was hostile to the Franciscans as such is not quite correct. True, the Confraternity of Our Lady of Light had been introduced into New Spain by the Jesuits, and Marín del Valle did include a representation of the Jesuits' Founder, St. Ignatius Loyola, in one of the reredos' main panels, also dedicating one of the side-altars to that great Jesuit missionary, St. Francis Xavier. But on an equal footing with St. Ignatius of Loyola, in a companion-panel, he placed St. Francis Solano, the Franciscan Apostle of South America; and on the frontal of the *mensa*, or front center-panel of the altar-table, was a stone carving of the Franciscan St. Anthony of Padua. In the inaugural festivities which were spread over five days, the Franciscan friars played important parts. At the solemn blessing of the chapel by the secular Vicar in the afternoon of May 23, 1761, the Franciscan Custos, Fr. Jacobo de Castro, and seven other friars were present; on the following day Fr. de Castro preached at the Mass celebrated by the Vicar, Don Santiago Roybal; on the twenty-fifth he himself was the celebrant and Fr. Miguel Campos preached; on the twenty-sixth Fr. Manuel Rojo from Albuquerque had the Mass and the sermon was delivered by Fr. Francisco Guzmán; on the twenty-seventh Fr. Joaquín Pérez sang a Requiem Mass for the deceased members.¹⁹ Probably the first military chaplain appointed to the *Castrense* was Fr. Juan Bermejo, who was serving in this capacity when the first *Castrense* marriage-book was begun in 1779; he served until the spring of 1787, and was succeeded by Fr. Francisco de Hozio, who kept this post until his death, September 24, 1823.²⁰ What is more, Fr. Atanasio Domínguez was most enthusiastic about the new Confraternity in his Visitation of 1776, whereas he expressed some dislike for the more ancient and venerable one of *La Conquistadora*. All this serves to show that the latter was not killed off by any "Jesuitic leanings" on the

19. *Ibid.*, pp. 328-333. A compressed account in English of Fr. Domínguez' account. It is to this Franciscan's enthusiasm that we owe most of our knowledge of Our Lady of Light.

20. AASF, Marriage-51 and Burial-51, *Castrense*; Burial-52, *Santa Fé*.

part of the Governor or the secular Vicar General, if indeed the Confraternity of *La Conquistadora* still existed as late as 1760. On the contrary, the local friars themselves had allowed it to languish sometime between 1726 and 1760, and the vigorous and colorful new society perhaps dealt it the final death blow. At any rate, the *Conquistadora* Confraternity was not only dead, but forgotten as well, when the inhabitants of 1770, in order to be delivered from the Apache scourge of that day, re-chose the same Lady of the Rosary, their *La Conquistadora*, as Patroness of the Kingdom, and inaugurated a Confraternity with a special festival, as they must have supposed, for the first time.

This totally new *Conquistadora* Confraternity showed great vitality for the next few decades, at least up to the year 1819. The gloriously inaugurated Lady of Light Confraternity seems to have petered out a few years after Domínguez Visit and Report, or at least was confined to the garrison families attached to the *Castrense* chapel. Then, too, a new Confraternity "of the Blessed Sacrament" had been founded in the latter half of the eighteenth century which, as early as 1774, had merged with that of the Rosary. At that period and after, the *mayordomos* and the majority of members of both Societies seem to have been the same.²¹ After 1819, the movement dwindled, so far as account book entries show.

To sum up, it is now an established fact that a Confraternity under the specific title of *Nuestra Señora del Rosario La Conquistadora* existed among the people of New Mexico

21. Two civil documents of that year show this merger. On June 16, 1774, a Manuel de Arteaga, "*mayordomo de las Cofradías de Nuestro Amo, y de Nuestra Señora del Rosario,*" made a complaint before Governor Mendinueta against his predecessor, Don Tomás de Sena, concerning the number of sheep belonging to the Confraternities. Then, on July 13, 1774, Sena himself presented the same complaint against Alonso García, who took care of the flocks "*del dibinissimo y de Ntra Señora del Rosario,*" even at the time of a former *mayordomo*, Sena's deceased father. R. E. Twitchell, *Spanish Archives of New Mexico*, II, nos. 677 and 679. —Also, AASF, Book LXXX, *Cofrades de Ntra. Sra. del Rosario*, f. 22. Identical in format and leather binding is Book LXXIX, *Cofrades de Nuestro Amo y Sor Sacramentado*, ordered concurrently with the former by Fr. Bermejo in 1782. The title-page is all the same, except for the Confraternity name, and Don Vicente Troncoso appears as *mayordomo* of either society; likewise, the first list of members in either volume is headed by Governor de Anza and his wife. See also *Sp. Arch.*, II, no. 1360, "*Ynventario de la Alajas, etc.*," and no. 1993, Fr. Pereyro's Report in 1808.

at the *Real* of San Lorenzo four years after the Indian Revolt of 1680 and nine years prior to the Reconquest in 1693. It was still full of life in New Mexico in 1726, but seems to have been altogether forgotten by 1770, so that its second phase, begun in the latter year, turned out to be not so much a revival of the old as an altogether new Confraternity, but, according to Fr. Domínguez, not canonically established. This latter Confraternity, merged by 1774 with that of the Blessed Sacrament, continued in force until 1819, then sporadically until the era of the American Occupation, and was apparently altogether extinct when the American Diocese of Santa Fe was founded in 1850.

The problem that remains to be solved is that of antiquity. How long before 1684, our earliest specific date in these fragments, did the Confraternity exist as such? Certainly it existed in New Mexico before the Revolt of 1680 and the flight south of the Spanish refugees to the el Paso district and their founding of San Lorenzo. Besides Fr. Gómez' condemnation of certain properties of the Confraternity as outworn by 1686, there is one specific reference to its still earlier existence: Prior to May, 1693, an entry was made at San Lorenzo concerning "a silver lamp which was brought out of New Mexico which was kept at the Convent of Socorro [Texas] and was returned to the Confraternity because it was its property."²²

A much older and most important reference to a Confraternity of the same name, which we have every reason to believe is the same one, is the casual mention of it by Francisco Gómez Robledo in his defense before the Inquisition in Mexico City, February 13, 1664.²³ Gómez Robledo declared that he had heard Fray Miguel Sacristán, Guardian in Santa Fe during Governor Manso's term (1656-1659), say something pertinent to the case when he went to the Father's cell to take some clothing belonging to the Con-

22. Inventory, f. 7.

23. A. G. N., *Inquisición*, 583, f. 370. "Y que este confesante oyo decir a Fray Miguel Sacristan . . . siendo Guardian de la Villa de Santa Fee, en tiempo que era Gobernador Don Juan Manso, Yendo este a su celda a llevarle ropa perteneciente a la Cofradia de nuestra Señora del Rosario por que este era su Mayordomo y de presente lo era."

fraternity of Our Lady of the Rosary, because he (Gómez Robledo) was its *Mayordomo* at the time, as he was also now at the time of his trial. This same man was *Mayordomo* again in 1684.

A very significant reference, kindly furnished by Dean Scholes of the Graduate School of the University of New Mexico, may indeed push the date of the Confraternity still further back. On April 11, 1626, Fray Pedro Zambrano, Guardian of Galisteo, declared that the impious Governor Eulate (1618-1625) had ordered a certain Juan de Olvera falsely accused and hanged because he was a pious man "and deputy of the Confraternity of the Mother of God *de la Concepción*."^{23a}

The "old books," ordered preserved by Fr. de Vargas in 1691, and then ordered destroyed by Fr. Hinojosa in 1692,²⁴ might have dated back to Governor Manso's time and even earlier.

A consideration of the unusual title, *La Conquistadora*, also provides material for speculation. It is a unique name, a popular and not an ecclesiastical title of Mary which was added to the sanctioned appellation of Our Lady of the Rosary. This latter has a long tradition, based on the "Rosary," which comes from the pre-medieval practice of saying the Lord's Prayer and the Ave Maria a certain number of times while a person contemplates different phases of the Savior's life; actual count was kept of these prayers on a string with knots or beads. (In fact, our English word "bead" derives from these strings of knots or balls from the old Anglo-Saxon word, "to pray.") Poetry came in early and called these strings, and the prayers said with them, the "*rosarius*," meaning a garland or crown of roses. In the thirteenth century, St. Dominic of Gusmán, a famous Spanish preacher and canon who founded the Dominican Order at the same time that St. Francis of Assisi founded the Franciscan Order, popularized this praying of the Rosary. Through his first disciples this practice more or less took its present form. By the fifteenth century, Confraternities of

23a. A. G. N., *Inquisición*, t. 356, f. 278v.

24. *Ibid.*, f. 6, both sides.

the Holy Rosary were widespread not only in southern Europe but also in Germany and England as well. The Blessed Virgin Mary acquired a new title, and this became famous on the first Sunday of October, 1571, the day the Confraternity in Rome prayed the Rosary in procession through the streets while the Christians under Don Juan of Austria fought the famed naval battle of Lepanto, a decisive victory over the Saracens, who had threatened to overrun Europe. Pope St. Pius V, himself a Dominican friar, ordered a solemn commemoration of the Rosary to be made yearly on this day.

The above digression has a deep bearing on our problem. Here we have a seventeenth-century Spanish colony with an active Confraternity of the Holy Rosary, which was a devotion popularized by Dominic the Spaniard, a name and title made glorious by the victory over the Saracens by a Spanish fleet in one of the greatest naval engagements of all time. Moreover, the Franciscans were in charge of the New Mexico Missions, and a close traditional tie existed, and has come down to our day, between these two sister-Orders from the time Francis and Dominic met in Rome while seeking Papal approval of their respective foundations. Lepanto was only some eighty years way from the decade before 1656, near the time when the Confraternity may have been founded in New Mexico. Could it be that these people called their own Lady of the Rosary a "Lady-Conqueror" in memory of Lepanto? Or did the name arise in that year of 1684 when the refugees at San Lorenzo, placing themselves under her protection, put down the dangerous Mansos insurrection? Or, indeed, does the name hark back to the days of Cortés and his Conquest of Mexico?²⁵ Or did the New Mexicans call her *Conquistadora* because she had come to New Mexico between the years 1598 and 1650 with their own parents and grandparents, to whom they always referred with pride as *conquistadores* of the Kingdom? This point will be developed further when we treat of

25. See Note 5, references to Cortés legend.

the statue itself. While it does not help us in establishing definitely the Confraternity's date of origin, it most certainly is a unique title, and a local one as well.²⁶

CHAPTER II

THE CONQUISTADORA STATUE

A religious society of the sort of which we have been treating revolved about a specific image of the society's Patron Saint, whether the latter be a painting on canvas or any flat surface, a bas-relief on wood or yeso, or a statue in the round of any material whatsoever. The material representation of the Rosary Confraternity's Patroness is described, fortunately, in the earlier *Conquistadora* document extant when Fr. Pedro Gómez wrote out a three-page inventory on October 18, 1686. The inventory begins with "First of all, the figure of *Nuestra Señora La Conquistadora*, of a *vara* in height, a little more, in the round."²⁷ Next follows a list of her dresses, mantles, jewels, and other images and valuables of her Confraternity. The next direct mention of the statue occurs on February 3, 1697, when Captain Alonso Rael de Aguilar takes over as Assistant *Mayordomo* of her Confraternity in the Governor's name and receives "First of all, *Nuestra Señora La Conquistadora* with dress and mantle, silver crown, and an Agnus-Dei and a reliquary and a Rosary."²⁸ These are the only direct references, prior to 1777, to this image as a statue in the round and not a painting, although the lists of her dresses and the frequent donations of more dresses and crowns leave no room for

26. Many have rendered the name into English as "Our Lady of Victory." This is a wrong translation because "Our Lady of Victory" is a distinct, sanctioned title with its own shrine and history. This mistranslation originated after 1851 with the French clergy who, from the similarity in concept between "conquest" and "victory" and from their acquaintance with the famous shrine and confraternity of *Notre Dame des Victoires* in Paris, started the use of the erroneous title, *Nuestra Señora de la Victoria*, among the native people themselves. DeFouri and Salpointe are the first to use this title in print, in preference to the correct traditional names.

27. "Primeramente la echura de Nra. Sra. La conquistadora, de bara de alto poco mas, de bulto—" Inventory, f. 3v. A *vara* was 32.99 inches.

28. "Primeramente nuestra Señora La conquistadora con bestido y ornamento corona de Plata y Un agnus y Un biril y Rozario." *Ibid.*, f. 8

doubt as to the fact that these articles belonged to a statue in the round.

The 1777 descriptions are interesting. Despite his prejudices regarding the Confraternity, Father Domínguez was quite taken by the statue:

In the large niche there is an image in the round of Our Lady of the Rosary (or as others say, of *La Conquistadora*), of a *vara* in height, and although already old it is newly retouched. It has many and good ornaments; but since it is always getting a complete change, its current dress is not described now; yes, it only wears continually [without being changed] a wig, a little tortoise-shell *bâton* wound around with solid silver threads, and dabbed with the same, with the knob gilded, and a silver half-moon at its feet over the dress.²⁹

Later on, Father Domínguez lists her clothing and mentions three chests in the sacristy of her chapel for keeping them. Juan Candelaria merely states that it was a "Sacred Image," but he also says that Governor Mendinueta paid for "a dress for the Image, of the best silk he found in Mexico, and a chest with key in which it is kept. . . ." ³⁰

This matter of identifying the statue as such must be emphasized, because, prior to the discovery of the *Conquistadora* fragments, historians identified "Our Lady of the Conquest" mentioned by de Vargas with the royal banner of "Our Lady of *los Remedios*." Consequently, there was considerable doubt that the famous statue of Our Lady of the Rosary, popularly called *La Conquistadora*, and treasured from time immemorial in the Santa Fe Parroquia, dated from the Reconquest period as popular tradition insisted. Because of its continual presence in the Parroquia, and the tradition of its being brought to Santa Fe when the *Villa* was wrested from the Indians, the old inhabitants held that this very image was the same one which de Vargas had brought with him. So deeply rooted was this belief, indeed, that, even after the de Vargas *Journals* in the Palace of the Governors were more carefully examined many decades ago, no incongruity was noticed between the statue which they had and the patent description of the standard of Our Lady

29. *Op. cit.*, ff. 4128-4129.

30. *Op. cit.*, p. 295.

which is mentioned so often in the *Journals*. Perhaps the people may have thought the statue could have been lashed in some way to an unright pennant-type standard, an idea which I myself entertained as logical and possible before a thorough study of the *Journals* brought out the improbability of such a practice. The more serious pioneers in local historical research, like Mr. Twitchell and Mr. Read, seem to have left this delicate question of the statue alone, out of respect for such a beautiful popular tradition if not from fear of incurring popular anger, while Mr. Prince, although unable to accept Father DeFouri's arguments to support the tradition, was as sympathetic as any honest historian can be. At the time these good men wrote there was no knowledge of the 1777 Domínguez *Report* nor of the *Candelaria Noticias*, and even these would have left them eighty-four years later than 1693 without any earlier documentary proof. For an enthusiast, there was no need of further documentary witnesses. If the people had always believed that this very statue, which is several centuries old beyond all doubt, was the one which came with de Vargas, and two documents written in 1777 testified that in 1770 there was a statue of Our Lady of the Rosary venerated in the Santa Fe Parroquia (and called *La Conquistadora* because it was brought thither by de Vargas), then the seventy-seven-year span between that year and the year of the Reconquest was nothing compared with the seventy-seven plus one hundred years during which the tradition was kept alive from 1770 to 1947.

These newly-discovered sources, however, bridge the gap. What is more, they clarify some disputed and seemingly contradictory passages in the de Vargas *Journals*. It was with these statements of de Vargas in mind that Dr. Espinosa essayed a plausible solution of the Santa Fe tradition and was forced to conclude by the evidence then at hand "that the present image of *La Conquistadora* is not the original one brought by Governor Vargas in 1693, or else that it was converted into a Virgen del Rosario sometime after reconquest days." Our present knowledge of the existence of both the Confraternity and the statue prior to the period of the Reconquest, and even of the Revolt of 1680,

enable us to elucidate de Vargas' meaning in several telling passages. There is no doubt at all that in the first entry of 1692, he referred his successes to the Virgin in her title of *los Remedios* as represented on the royal standard. But, like any well-informed Catholic, he really loved and venerated Mary in her person in Heaven; although so closely attached to this particular title that at the hour of death he specifically remembered it,³¹ he saw the same person in other titles and images as well. For instance, on his return from Puebloland to his headquarters at el Paso del Norte, he thanked Mary under a different title entirely for his peaceful conquest of 1692: "I entered the holy temple, the church of Our Lady of Guadalupe, to give thanks to her blessed Majesty for my happy arrival and the victory gained through her most holy will and intercession."³²

Hence, months before the second entry, in which all the colonists were to take part in order to resettle the land, de Vargas readily became acquainted with the original New Mexicans' particular devotion to Mary and quickly identified himself with the aspirations of his subjects as embodied in their favorite image of his own beloved Queen. In 1692 he was elected *Mayordomo* of her Confraternity, on which occasion he donated a complete set of damask vestments and other valuable articles; and he kept the presidency of the society all during his term as Governor and Captain-General of New Mexico.³³ From this we know what he meant, and to whom he referred, when he wrote to the Viceroy from el Paso del Norte on January 12, 1693:

It is my wish, and of those with whom I enter, including the soldiers, that they should, first and foremost, personally build the church and holy temple, setting up in it before all else the patroness of the said Kingdom and *Villa*, who is the one that was saved from

31. *Sp. Arch.*, I, No. 1027. In the codicil to his will, Bernalillo, April 9, 1704, he commends his soul, through Masses to be said in her honor, to "*Nuestra Señora de los Remedios*, my protectress." The inventory of his effects, April 20, 1704, mentions another image as his private possession: "*una Ymagen de Nuestra Señora de la defensa de talla de una terzia de alto con su coronita y pilar de plata que pesara dos marcos.*" *Ibid.*, II, 100, f. 6.

32. J. Manuel Espinosa, *First Expedition of Vargas into New Mexico, 1692*. (Coronado Series Vol. X, Albuquerque, 1940), p. 251. See also A. G. I., *Guadalajara*, 139.

33. Inventory, f. 8.

the fury of the savages, her title being Our Lady of the Conquest. And so, with the aid of the soldiers and settlers, the foundations will be laid and the walls of the holy temple raised. . . .³⁴

From the native exiles of New Mexico—the settlers, the soldiers, and the captains, who had fought their way out of Santa Fe in 1680—the new Governor learned about the “Patroness” of the Kingdom of New Mexico and its capital, the very one “*that was saved from the fury of the savages.*” Someone had carried her out of Santa Fe on that memorable August day when the besieged inhabitants fled from the capital, fighting all the way south while they carried the aged and wounded and whatsoever of their prized possessions which were not too cumbersome.³⁵ Before coming to San Lorenzo this Virgin had had her own special *throne* in Santa Fe, and now de Vargas himself was going to have the privilege of restoring her to it, as he wrote to the Viceroy, on October 13, when starting out on the second entry:

We left for Santa Fe under the protection of Our Lady of the Conquest. . . .³⁶

I have given an account to your Excellency of everything, and of bringing into the same city and placing in it its patroness and protectress, Our Lady of the Conquest, the glory and pride being mine that I shall not only be the one who shall place it in its *Villa* of Santa Fe, but also I shall place it upon a new throne and place which I shall have to rebuild for her sovereign and divine majesty.³⁷

Here, and from the whole tenor of the *Journals* besides, we see that, while the *Remedios* banner again led the soldiers on the 1693 campaign, the Captain-General was all-enthusiastic about the New Mexican's own especial patroness. That he always used the term “*Nuestra Señora de la Conquista*” instead of “*La Conquistadora*” betrays his noble and refined

34. J. Manuel Espinosa, *op. cit.*, p. 284. A. G. I., *Guad.*, 139.

35. Undoubtedly other images were taken out by the refugees as, for example, the small statues and paintings owned by the Confraternity. In the early nineteenth century, a Mexican official wrote in a report to his superiors, speaking of the Pueblo Revolt, that a missionary had carried out with him “an image of the Virgin, called Our Lady of the War-Club, which is venerated in the great convent of San Francisco in Mexico.” Lansing B. Bloom, “Barreiro's Ojeada Sobre Nuevo-Mexico,” *NEW MEXICO HISTORICAL REVIEW*, III, 76.

36. J. Manuel Espinosa, “The Virgin of the Reconquest,” p. 80. A. G. N., *Historia*, t. 37, Mexico.

37. *Sp. Arch.*, II, 54a, ff. 9-10.

upbringing. Only the common people would dare to be so familiar with the Celestial Queen, like those of Mexico today who refer to *Nuestra Señora de Guadalupe* as "*La Guadalupana*" and "*La Morenita del Tepeyac*."

By December the de Vargas Expedition had reached Santo Domingo Pueblo, where a halt was called in order to rest and to replenish food supplies. Here, on December 4, the Governor had an interview with an Indian chief from the Tanos pueblos who argued that his people were restless because of their distrust of the vengeful Spaniards. De Vargas swore complete safety for the Indians, naming as witness "*la Virgen Maria Nuestra Señora y a la Santa Cruz del Rosario*."³⁸ This and another quotation, treated at length in the footnote below, though far from conclusive, are given in order to present all possible references to the subject in the de Vargas Campaign *Journals*.

Finally the Expedition reached Santa Fe. The Spanish troops and the settlers set up camps outside the town walls, while their leader parleyed with the Tanos tribe that had occupied the capital since the Revolt. Then:

On the 16th day of December, date and year above [1693], I, the said Governor and Captain-General, about the eleventh hour of the same day, made my entry into the *Villa* of Santa Fe . . . the Captain, Don Fernando Duran de Chaves, carrying the standard referred to in these acts, and under which this land was conquered, we arrived at the plaza. . . .³⁹

38. *Ibid.*, No. 54b, f. 60v, line 10, which checks with A. G. N., *Historia*, 38, f. 57, nos. 45-46. The reading is identical in both MSS. It is a strange expression, as there is no such official or popular title of "The Holy Cross of the Rosary." It could well be that he referred to the rosary itself, the amanuensis using capital letters here as indiscriminately as small ones were used elsewhere instead of capitals. However, "and of the Holy Cross" may be read parenthetically, thus connecting "of the Rosary" with "Our Lady." On December 10 there was another interview with a Captain Cristóval of San Marcos Pueblo; referring to his gestures of pardon the previous year, de Vargas argued that he could not be deceived by the devil because he had in his company "the Virgin Our Lady in that . . . Standard, which I had in my tent, and likewise I showed them *el Rosario* and the other relics and images of my devotion." *Sp. Arch.*, II, 54b, f. 33. (Very fragile and much text missing from crumbled margin.)

The word *tienda* was a military term for a field-tent, and perhaps this was the "*tienda de Campania de Lona grande con sus palos y yerros bien tratada*," mentioned in the inventory of de Vargas' effects, April 20, 1704.—*Ibid.*, No. 100, f. 5v.

39. The banner is called "*Estandarte*" in *Sp. Arch.*, II, No. 54c, and "*Pendon*" in A. G. N., *Hist.*, 38, *Autos de Guerra*, ff. 61-64.

On December 18, de Vargas made a tour of the town for a specific purpose, and, finding the parish church completely in ruins, crossed the small river to the chapel of San Miguel:

On account of the inclemency of the weather and the urgent necessity of having a church in which might be celebrated the divine office and the Holy Sacrifice of the Mass, and in order that Our Lady of the Conquest might have a suitable place, I . . . realized that it would be expedient and proper to roof said walls . . . and being within the plaza of this village, I ordered the natives . . . to proceed with said labor cheerfully . . . to make a house for the Lord and his most blessed Mother, our Virgin Lady, who was enclosed in a wagon, and that if a lady should come to any one of them, they would be obliged to furnish her with a house. . . .⁴⁰

These two quotations are here run consecutively to suggest the separate identities of the Royal Standard and Our Lady of the Conquest. On December 16, de Vargas made his Grand Entry into the plaza, where, with customary religious and military pomp, he took possession of the *Villa* and Kingdom once more; most prominent in all this pageantry was the Standard bearing the picture of Our Lady of *los Remedios*. But two days later, de Vargas himself is looking for a suitable place for Mass, since winter was setting in fast; finding the old Parroquia completely destroyed, he proceeded to Analco, the village across the Santa Fe stream where stood the walls of the chapel of San Miguel. The Indians had burnt off the roof in 1680, but even after thirteen years the stout walls still survived. A new roof would make the church usable, at least temporarily. Here was the best place available for a church until the new Parroquia was raised, and also, of course, for a new throne, if only a temporary one, for the old Patroness of the Kingdom and *Villa*, Our Lady of the Conquest. When the Captain-General made this last knightly suggestion to the Tanos, who were not nearly so chivalrous in their regard of the female sex, they must have looked about for the Lady, whereupon de Vargas had to explain that she was still wrapped up and boxed in one of the wagons. No stretch of the imagination is needed now to distinguish between the picture on the

40. A. G. N., *Hist.*, 39, ff. 67-68.

Standard and another image of some sort. Usually the former was carried by an official *alférez* or standard-bearer, and at other times it was kept in the Governor's tent; for the last few days it had been very much in evidence, what with all these troop maneuvers and grandiose pageants. But the San Miguel chapel had to be re-roofed and renovated in order to receive another and a different representation of the Lady, and this was still enclosed in one of the wagons, probably the *carro* carrying the property of her Confraternity. Even if the fragments of its pre-Reconquest books had not been discovered, one could deduce from all this the existence of the statue returning to a former throne.

Always bending backward, as the phrase goes, to please the Indians and be fair to them, de Vargas allowed the Tanos plenty of time to gather their effects and evacuate the town. Meanwhile the troops and the colonists established their camps outside the walls. But the Indians were in no hurry to leave. The weather grew bitterly cold. The weaker colonists were dying of exposure, and representatives from among them remonstrated before the Governor. In the meantime the Indians had barricaded themselves behind the walls, and on December 28 they began to taunt the Spaniards. De Vargas launched an attack the following morning, a siege of wall-storming and of counter-attacks by other Indian forces from the north, which lasted until nightfall. During this battle the Royal Standard was borne into the fray. Before daybreak of December 30, the Spaniards stormed the walls again, and dawn found them masters of the situation. Soon the Standard was flying from the highest tower of the Palace of the Governors. No mention of a statue, or even of Our Lady of the Conquest, is made in the detailed accounts of the battle. The Standard, which actually was a battle-flag, went out on other campaigns the following year.⁴¹

41. AASF, *Spanish Period*, no. 2, de Vargas' description of his discovery of the remains of the friar-martyr of Jemez.

What eventually became of the royal standard, nobody seems to know. Juan Páez Hurtado, in his inventory of de Vargas' effects, lists "three standards, two of them embroidered."—*Sp. Arch.*, II, No. 100, f. 5v. But shortly before that, in his will, de Vargas himself declared two banners as his personal property, "those of

Twenty years passed, a period of material rebuilding in the capital as well as the *villas* and *estancias* up and down the Rio Grande Valley. De Vargas, after being cruelly treated by his successor, came back for a second term, but died in 1704. That his complete exploits were already beclouded in the minds of the practically letterless populace can be seen in a Governor's edict in 1712, when an annual Fiesta was proclaimed to commemorate the de Vargas bloodless Reconquest of 1692. This first entry, engraved in the memories of the inhabitants of New Spain by the public celebrations it occasioned and by the publication of the *Mercurio Volante*, had obscured his more epic entry with the settlers in 1693 and the subsequent dramatic battle for Santa Fe. The faint memory of a battle remained, however ;

Anselm and St. Michael the Great," neither of which fits the description of the *Remedios* Standard. *Sp. Arch.*, I, No. 1027. Perhaps the third one, not embroidered, included by Hurtado, is the one. In the *Conquistadora* fragments themselves, a "*Nuestra Señora del Rosario en el guion*" is mentioned with other paintings.—Inventory, f. 8, February 3, 1697. And in a decree of April 26, 1707, Gov. Cuervo y Valdés ordered that due honors must be paid the royal Standard-bearer when carrying it.—*Sp. Arch.*, II, No. 343, f. 8. Since the Parroquia was not yet built, nor the San Miguel chapel restored, the Parish and Confraternity headquarters must have been in the tower-chapel of the Palace of the Governors; and since the Governors at this period were also *mayordomos* of the Confraternity, it could be that the Standard is this guidon mentioned, though misnamed.

A 1796 inventory of the Rosary Confraternity's valuables numbers among many items "*Una Señora de Los Remedios de pincel, [que vino?] con la conquista de este Reyno.*" *Ibid.*, no. 1360. Now, there is in the Cathedral Museum an old painting on canvas of the Virgin and Child; it is attached to the rear of a wooden rococo panel with an oval opening which once was a part of an altar-screen in the old Parroquia. I am almost sure that it represents Our Lady of *los Remedios*; what principally drew my attention to it is the fact that the canvas did not belong there originally, for it is too long for the panel, so that about six inches of the bottom is folded back; what is more, along the vertical edges on the rear of the canvas are strips of red silk suggesting the idea that it might have once been attached to a larger piece of fabric—a banner, for example.

In his *First Expedition of Vargas* . . . Dr. Espinosa states that the *Remedios* Standard was the one brought by Oñate (p. 59, footnote), but he gives no reference. However, it does not tally with two descriptions of banners of Oñate's time: 1) the standard provided by Luis de Velasco of figured white Castilian silk stamped on one side with the picture of Our Lady and St. John the Baptist, both surrounded by a rosary and with Oñate's escutcheon at their feet; the reverse had a picture of St. James on horseback with the Velasco arms at its feet.—Twitchell, *Old Santa Fe* (Santa Fe, 1925), p. 27. 2) The banner in possession of Ensign Juan Muñoz who came to New Mexico in 1600, "a standard of red damask . . . having two emblems of Our Lady and St. James."—G. P. Hammond, *Don Juan de Oñate and the Founding of New Mexico* (Historical Society of New Mexico, *Publications in History*, vol. 2, October 1927), p. 204. It appears that Dr. Espinosa is thus trying to interpret the de Vargas statement: "Our Lady of the Conquest . . . who is the one that was saved from the fury of the savages."

how it fitted in with the bloodless Reconquest of 1692 was a problem to be solved in a most natural way. Since there was no bloodshed in the supposedly one and only Reconquest, therefore the battle they remembered was bloodless; since there was a Lady-Conqueror in their midst, and she had come with de Vargas, it was because of her that no blood was shed; since her name was "*La Conquistadora*," she must have actually led the troops into battle. Thus the legend was born, erroneously confirmed more than a century later by those who read in the *Journals* that Our Lady on the Standard had led the soldiers in the attack.

But now we know with certainty that there was such a statue present during the battle for Santa Fe. Very likely it was not carried into battle, since de Vargas himself, who seems to omit nothing concerning his Lady in the *Journals*, failed to write anything to that effect, and also because the traditions are contradictory in this respect. The one that has come down to our day asserts that the statue did go into the fray, whereas the one current in 1806 leads one to believe that it was enshrined at the civilian camp, which is thought to have been located on the sheltered site of the present Rosario cemetery, while the military encampment overlooked the country in all directions on one of the higher hills north of the town. When petitioning the Bishop of Durango for permission to erect the Rosario chapel, on June 29, 1806, Fr. Francisco de Hozio described the site as "the place where the holy Image was placed at the time of the second conquest of this Kingdom."⁴²

As noted previously, no other description or even mention of a statue is known from the Aguilar entry in the

42. AASF, no. 52, *Tipton Transcriptions*. This is a small note tablet in which are copied a few brief documents filling six pages, and on page 7 is this statement: "The foregoing document is a correct copy made by me from a correct copy of an original, which original was in the possession of Rev. Antonio Fourchegu, Vicar General of the Archdiocese of Santa Fe, New Mexico, on August 26, 1911, on which date he loaned said original to me; thereupon I made from said original the correct copy from which the foregoing, on the first six consecutive leaves, was correctly copied by me on March 25, 1917. [Signed] Will M. Tipton. Santa Fe, N. M., April 2, 1917. Witness: [Signed] Alice Stevens Tipton."

These originals cannot be found in the Archives of the Archdiocese. Mons. Fourchegu very likely found these papers, together with a painting of St. Francis and other items, in the Rosario chapel itself.

Inventory of 1697 to the Domínguez and Candelaria writings of 1777. The next one is found in the Rosario Inventory of 1796, and then in Fr. Hozio's petition of 1806, both of them already quoted; mention of the bejeweled statue is also made by the Custos, Fr. Benito Pereyro, in his 1808 report, and one of the latest "old descriptions" is that of Father DeFouri in 1887. All in all, the documentary evidence is quite plentiful.

Next comes the identification of the statue now preserved in the Cathedral as Our Lady of the Rosary, *La Conquistadora*. The head, at least, and very likely the entire body, are carved out of willow wood.⁴³ She is twenty-eight inches tall from her foot to the crown of her head. Old-timers say that she was taller. One can see where the base at some time was sawed off right through the faces of three cherubs at her feet, the lower halves being cleverly restored and connected with a new gilt board-base which is bolted onto a palanquin for processions. What was cut off was most likely a mass of clouds resting on a small rococo pedestal, such as may be seen under ancient Spanish and Latin-American statues—for example, *Nuestra Señora del Rosario de Talpa*, here reproduced. This must have made her some six inches taller, if we recall the eye-measurements of Fr. Gómez in 1686 and Fr. Domínguez in 1777, both of whom stated that she was thirty-three inches high "and a little more." When the act of vandalism was perpetrated we do not know. Monsignor Antonio Fourchegu, Rector of the Cathedral from 1892 until 1920, declared that the lower base was sawed off by a carpenter to fit her into a niche. Fr. Barnabas Meyer, O.F.M., has notes on the matter which he took down in the early twenties, sometime before the Monsignor's death.

43. A projecting sliver from behind the left ear was sent to Fr. Herculan Kolinski, O.F.M., of Cincinnati, an expert on wood, who in turn consulted with Dr. H. Muegel, dendrologist of the University of Cincinnati. Microscopic examination reveals that it is definitely willow wood, and just as definitely not cottonwood, as Dr. Muegel suspected at first. However, since the many species of willow grow in every part of the globe, and since they are most difficult to distinguish among themselves, even when the whole tree is present, this identification does not help us at all in establishing the country (whether Spain, Michoacán, or Guatemala) where the statue might have been made.

What with continual rough handling through a couple of centuries of frequent dressing and undressing, let alone the hacking and sawing done in two or more instances, the image was in a sorry state in 1930, when a real artist, Gustave Baumann of Santa Fe, began a careful restoration. The face itself, which is modeled in yeso and not carved from the wood of the head, was brittle and ready to fall off, except for the small areas around the eyes and mouth; some of the fingers were broken off; the tip of the bent right knee had also been sliced off, evidently by the same man who sawed off the base to fit her into a glass niche. Then, Mr. Baumann writes,

After removing the old base which was a white pine plank, I found the base of the statue to have been sawed off to fit— A round plug in the base proved to be the end of a standard that extended into the hollow center, from which I surmise that La Conquistadora was probably brought in with the standard resting on a stirrup, which seems perfectly logical to me. A scrap of white woolen cloth was all I found inside. This was replaced. If it ever contained some sort of record it was probably removed at the time the arms were made moveable and the base cut off. I just did not have the heart to leave those cherubs cut in half, so they were restored. I think the Rectory was disappointed I did not restore the arms, but it would have left less of the original than you have now, also it would not have been possible to dress, which I think is an important outlet of interest to the parish.

The face had been repainted many times (not too skillfully) and broke away since the glue-size underneath had disintegrated—all excepting the eyes and lips. I lost several sleepless nights getting her back to her old self—also I gave her several new fingers which I imagine can't stand pulling through the sleeves too well.

The plug which Mr. Baumann surmised to be the end of a "standard" was more likely a wooden pin fitting the statue and pedestal together, their line of juncture being hidden by molded clouds of yeso painted over. The artist also told me that he partly repaired the mutilated knee; the underlying wood, he thought at the time, might be some kind of mahogany, though he was not sure. In 1933, Mr. Baumann also made an imagined replica of the statue as it might have looked originally, which, since then, has been enshrined on the Cathedral terrace during the annual Santa Fe Fiesta.

(The original, however, is still carried every year in the traditional procession to and from the Rosario Chapel.)

When she is stripped of her clothing, the fine craftsmanship of some nameless *santero* of old becomes at once apparent. From the waist down to the feet, about thirteen inches, the wood is finely carved into a long tunic partly overlapped by a mantle. The same workmanship is also partly discernible on the back all the way up to the shoulders. The wood was first covered with yeso, then with a red pigment. What remains of the tunic, at the lower left, has a thick gold-leafed brocade-effect on the red base, while the mantle is solid gold-leaf, with a one-and-one-half-inch border in blue with gold brocade, edged on the inside with a thin quarter-inch line of orange and gold. The cherub heads (and hers, too, before mutilation) seem to have been painted in natural colors, the hair being gold-leaf shaded with brown.

From the waist up to the neck, the effect is not so pleasing. Her middle is gouged into a wasp-waist which rises up in a squarish flat-chested torso, to which are attached long puppet-arms, both articulated at the shoulders and elbows. At first sight, one is tempted to curse the fiend who did the mutilating. But the fact that this formless upper portion of the torso is covered with rough linen tightly glued, according to the known practice of ancient saint-makers, and that the whole is painted with a red pigment similar to that under the gold-leaf further down—all this makes one pause. However, because traces of the carved and painted dress remain on the back above the waist and on the head, the conclusion to be drawn is that the statue was at first beautifully carved throughout, and not originally meant to be dressed. At the same time, the antique appearance of the puppet-arms transformation and the fact that dresses were put on as early as 1684, and even before that, lead one to believe that this change took place sometime in the seventeenth century before 1680.

The face is indeed beautiful, with small mouth, and eyes, and a thin nose, the result of a good restoration performed on the disfigurements perpetrated by amateurs

through the centuries. There is nothing doll-like or mushily sentimental about it, like most modern statues. It is a queenly face, conscious of majesty, yet not at all haughty, staring straight into a world we cannot see. Although the features are not quite anatomically correct, as a whole they appear perfect. Recalling Fr. Domínguez's statement in 1777 that "although old it is newly retouched," and the Rev. James DeFouri's in 1887 that "repairs have spoiled the natural beauty of her face," makes one all the more thankful for the propitious appearance in 1930 of Gustave Baumann's understanding heart and skillful hands.

But the rest of the head, now fortunately hidden by the wig, shows ugly signs of unskilled and reckless hacking, leaving the willow wood grimly exposed. As can be plainly discerned, the original carved locks framing her face were parted in the middle and flowed down to the shoulders, revealing only the lobes of her ears. The same mantle that shows below the waist on her right, and discernible in spots on the back, shoulders, and head, covered the head completely from the rear. Then someone decided that a wig of human hair would look better. Off came practically all of the carved hair and the mantle, while a deep shelf was gouged above her brow, the better to anchor the crude wig. Again the temptation is to incriminate her devotees of the Victorian era. But in 1777, Fr. Domínguez mentions a wig which was never removed—for obvious reasons. Then, just below the ear-lobes, two perforated iron wedges are hammered in, for the purpose of holding ear-rings, of which she had several pairs already in 1686;⁴⁴ since these had to be attached somehow, it may be that these wedges or something similar were there already at that time.

As for her dresses and underclothing, over and above her jewelry and other valuables, one marvels at the quality of the cloth used, materials which were costly and difficult to get in those days of poverty and dangerous existence in this isolated frontier of a then unexplored continent. The lists reproduced later on speak for themselves. None of

44. Inventory, f. 10v.

these articles has survived. During the past century the dresses put on her took the flat-chested, rear-bustle Victorian look of the times, a style which has been kept up for her until now. The old regal brocades with their royal effect of former centuries disappeared not only physically but from the stunted imagination of the people as well. This year new dresses are being made from old and modern brocades in the original style; and these will be used as patterns when her devotees wish to donate new dresses as their forebears have done for centuries.

A word about the Child in her arms. As far back as anyone recalls, her flexible arms have been empty. Yet in older Church iconography, Our Lady of the Rosary was never properly represented unless she held the Christ-Child. The latter is not mentioned as being with her in any of the old descriptions; undoubtedly, He is taken for granted, as, for example, by Fr. Domínguez, who omits mention of Him in describing the Lady but writes later on in listing her wardrobe: "Two little white dresses for the Child Jesus of the Lady."⁴⁵ Now, there was a small Infant in the Cathedral Museum which could well be the "*Niño Jesus de la Señora*." It is yeso-covered wood and painted in natural colors; despite its small size—about six inches—it must have been considered very precious in bygone days, for it wears finely-wrought shoes of pure gold. Restored to the Lady's arms, it proves to be somewhat small in proportion to her figure, but the proportions are no different from those seen in other ancient Spanish Madonnas—again, for example, the Lady of the Rosary of Talpa. Further, the Lady's puppet arms and hands, poised very awkwardly when empty, now hold the Child and exhibit a rosary most gracefully, as they were meant to do.

Without any doubt, the image treasured in the Santa Fe Parroquia from time immemorial, in whose honor a yearly celebration has been most faithfully kept because of the popular belief that it was brought by de Vargas at the time of the Reconquest, is the very same one which the Rosary

45. *Op. cit.*

Confraternity venerated at San Lorenzo. The tradition that claims that she came with de Vargas is correct, but the *Reconquistador* himself tells us that this was but a return of a Queen to her former throne, from which she had been rescued from the fury of the Indian rebels. He also tells us that she was the Patroness of the whole Kingdom of New Mexico and of its capital, as may be also seen from the devotion expressed by all and sundry in the early accounts.

The main question remaining is: When and where was the statue made, and when did it come to New Mexico? Certainly it was not called "*La Conquistadora*" because of the Reconquest. The feeling brought on by this accumulated wealth of testimony is that it was brought by the pioneer friars or colonists, the *conquistadores*, between the years 1600 and 1650, especially since we know that the Rosary Confraternity was functioning during Governor Manso's term in 1656-1659. Before concluding this chapter, then, we might well speculate upon some interesting references in other early seventeenth century documents in an attempt to peer behind the curtain of the past.

In both of his famous *Memorials*, Fr. Alonso de Benavides wrote of a beautiful statue of the Virgin in Santa Fe, in the church of the Spaniards, which had impressed some visiting Apache chieftains—"an image in the round of the Assumption of the Virgin Our Lady, which I had carried there, and stood well-adorned in a chapel. . . ." (1630)—"an image of the Assumption of Our Lady which I had placed in a chapel in the church of Santa Fe where the Spaniards worshipped" (1634).⁴⁶ The first time, Fr. Benavides states that he himself had brought the statue. This same Padre, as newly-elected Custos, had signed a receipt for a statue of the Virgin down in Mexico City before com-

46. E. E. Ayer, *The Memorial of Fray Alonso de Benavides, 1630* (Chicago, 1916), p. 155; F. W. Hodge, *Fray Alonso de Benavides' Revised Memorial of 1634* (Albuquerque, 1945), p. 91.

I have used the word "Assumption" for "*Tránsito*" in the originals, which others have translated as the "death" of the Virgin. Their translation is correct literally, but wrong liturgically. In employing the word "*Tránsito*," Fr. Benavides, by metonymy, was merely using one of the three ideas celebrated in the title and feast of the Assumption: The Death or Passing Away of Mary, her Assumption into Heaven, and her Coronation.

ing up to New Mexico in 1625; it was brought in the largest recorded consignment of goods that came to the New Mexico Missions in that period, and in the same wagon train that brought Fr. Benavides and eleven other Franciscans. Although the statue itself is not described, we know of its size from the crate in which it was packed, a "case in which the Virgin went, a *vara* and a quarter long and three-quarters wide and two-thirds high."⁴⁷ No other statue of the Virgin is mentioned among the many other images entered in the lengthy *Contaduría* records extant for the period. If we take the *vara* to be about thirty-three inches, the crate was about forty inches long, twenty-four inches wide, and twenty-two inches high. The *Conquistadora* statue would fit quite snugly into such a box, with enough inches to spare all around for protective packing. Identification of the latter with the Benavides Virgin is rather far-fetched, it is true, but the possibility and even probability of such a thing cannot be lightly dismissed. Between Fr. Benavides' departure from New Mexico in 1629 to the decade preceding Governor Manso's term, many things could have happened to the statue, like the gouging of its chest and the addition of puppet-arms for dressing, and a change of name.

Here is a deduction which, if proved certain someday, would not surprise me at all. The original Parroquia of Santa Fe, the mud hut which Fr. Benavides found in 1625, was dedicated in honor of Mary's Assumption; the statue that he brought represented the Assumption; the new substantial Parroquia that was built during his term as Custos, and in which he enshrined the statue, was most likely entitled "of the Assumption," since the new church merely supplanted the older inadequate structure. (Decades later the Parroquia was referred to as "of the Conception.") It is the period in which the Spanish inhabitants there are referred to, as they were later on by their children and grandchildren, as *conquistadores*. Then, thirty years later, a Confraternity of Our Lady of the Rosary is already existing there. Now, Baumann's replica, faithfully and logically

47. A. G. I., *Contaduría*, leg. 726, Data.

following the obvious leads in the gouged upper portion of the old statue, is an unmistakable representation of the Assumption—especially the clouds and cherubs bearing up the lightly poised figure and the ecstatic character of the face and eyes. (The only mistake on his part is that he did not cross both hands about the wrists on her breast, simply because for this he had no lead.) Next, this posing of the lone figure on clouds and cherubs is not characteristic of the traditional representation of Our Lady of the Rosary, but rather that of the Assumption or Immaculate Conception. The deduction, then, is that our so-called “de Vargas statue” may be none other than the Benavides statue of the *Assumption* which he brought in 1625 to the Santa Fe Parroquia of the same name, the principal and only parish church of the Spaniards for more than a century. Sometime during the next thirty years a Rosary Confraternity was founded which adopted the “Patroness of the Kingdom and its *Villa* of Santa Fe” as its visible rallying point; in that period, or in the decades prior to the 1680 Indian Revolt, the little statue was mutilated and the puppet-arms were attached, in order that she might be dressed as “Our Lady of the Rosary” holding an Infant and a rosary. Since no wig is mentioned in the 1685-1726 fragments, and since it is first described in 1777 and the mutilation of the head appears much more recent than the puppet-arms transformation, the head must have been hacked and the wig first attached during the Confraternity’s second phase of 1770. Therefore, while referring to her as *Nuestra Señora del Rosario* because their Rosary Confraternity revolved around it, the pre-Revolt inhabitants also remembered her as one who had come in the days of their pioneer forebears and called her, in addition, “*La Conquistadora*.”

(To Be Continued)

BLACK-ROBED JUSTICE IN NEW MEXICO, 1846-1912

By ARIE POLDERVAART

CHAPTER XVIII

WHEN WOLVES' HEADS HUNG

As the railroads nosed deeper and deeper into the Territory, train robberies became an increasing menace throughout New Mexico. Among the most treacherous of the frontier outlaws was a gang under the leadership of Thomas (Black Jack) Ketchum, alias George Stevens, and Ezra Lay, commonly known under the alias of William H. McGinnis. Sometimes they waylaid the train en masse, sometimes they undertook these robberies singlehanded. But, like most terrorists, they eventually met their doom.

On the dark night of August 16, 1899, the No. 1 passenger train on the Colorado and Southern Railway, after a seven or eight-minute stop at Folsom in Union County, New Mexico, was chugging its way toward Clayton on the Trinidad to Texline run. The train neared what was known as Robbers' Cut, so called because several daring train robberies had been staged at that point. A short way past Folsom the train's engineer, Joseph H. Kirchgrabber, felt an icy muzzle of a six-shooter gradually being poked under his arm from the rear. As he turned around the engineer saw a swarthy-faced unmasked figure outlined in the dark night sky standing in the gangway between the engine cab and the tank. "Keep on going," warned the menacing voice of a hold-up man, "to the point of the last hold-up. I'll tell you when to stop the train."

Eight long minutes the cold six-shooter rubbed against the engineer's ribs as the train rolled on, then the order came to halt the train and to do it quick. The train stopped, the hold-up figure marched the engineer to the baggage car and ordered him to uncouple the engine with the baggage car, which carried the valuable Wells Fargo express, from the rest of the train so the express car could be run farther up the line.

Ira Bartlett, U. S. government mail clerk, had finished sorting the Folsom mail that night in quick order and had laid himself down to rest in the mail car immediately behind the express and baggage car. Suddenly he felt the train stop dead and awakened with a start. Thinking the train had arrived at Clayton he grabbed a mail bag which was to be dropped off, headed for the open car door, and stuck out his head. He saw two figures standing beside the train in the dark. "Take your damned head in or I will shoot it off," one of the figures thundered and almost simultaneously a shot shattered Bartlett's jaw.

F. E. Harrington, the conductor, ran for his shotgun in the combination car farther back, then hurried forward to the mail car. As he did he saw four men coming from the direction of the locomotive. One of them yelled, gun in hand, "I am going to shoot to kill now."

Harrington heard the engineer's reply, "Well now, partner, don't be in a hurry, we can't do these things all at once" as Kirchgrabber struggled with the lever that parts the drawheads. The train had stopped on a slight curve and the couplings would not come undone. Harrington fired on the would-be killer who almost instantaneously answered fire hitting Harrington in the left arm. The hold-up man eased away from the side of the car and was seen no more.

Harrington reached the engine and whistled for the fireman to start up the train. But the water had left the boiler and it was necessary to build up steam; in trying to uncouple the air escaped and the brakes were stuck, so air had to be pumped up. A further expected attack did not materialize and the train finally proceeded unmolested.

Early the next morning as a freight was going from Texline to Trinidad and passed the scene, Brakeman John W. Mercer on top the engine cab, while looking out for possible signs of outlaws, saw someone wave a hat as though to attract attention. The engineer stopped the train. Mercer and the engineer hurried to the man whom they found sitting on his knees with a Winchester and a six-shooter underneath him. The man was Black Jack Ketchum. His right

arm had been shot to pieces, the front of his body caked with dirty blood. Too weak to walk, Black Jack was carried on a cot into the train and taken to Folsom where he was turned over to the law.

Dynamite enough to "blow a safe to atoms" was later found underneath a cattle guard where Black Jack had hidden it for blasting open the two safes in the express car. Nearby was his horse, saddled and pack arranged, in readiness for a quick get-away with the loot.

Chief Justice William J. Mills, who had been named by President William McKinley as successor to Colonel Smith, presided at the criminal trial of Black Jack as judge of the Fourth judicial district soon after his appointment. Trial was had at the regular September, 1900, term of the court in Union county. Prosecution proceeded under provisions of Compiled Laws of 1897, Sec. 1151, which read as follows:

If any person or persons shall willfully and maliciously make any assault upon any railroad train, railroad cars, or railroad locomotive within this Territory, for the purpose and with the intent to commit murder, robbery, or any other felony upon or against any passenger on said train or cars, or upon or against any engineer, conductor, fireman, brakeman, or any officer or employee connected with said locomotive, train or cars, or upon or against any express messenger, or mail agent on said train, or in any of the cars thereof, on conviction thereof shall be deemed guilty of felony and shall suffer the punishment of death.

The evidence presented at the trial proved extremely damaging and incriminating. The jury deliberated only a few minutes before they returned a verdict of guilty. Black Jack exhibited no emotion when the verdict was read. When Judge Mills put the usual inquiry whether he cared to say anything, Black Jack calmly and promptly replied, "I'd like to shave the district attorney."

Judge Mills' sentence provided that

on the fifth day of October, A. D., 1900, between the hours of ten o'clock in the forenoon and four o'clock in the afternoon of said day, in an enclosure to be erected by the sheriff on the courthouse grounds in the town of Clayton, county seat of Union county, Territory of New Mexico, you be there hanged by the neck until you are dead.

PAID HERE

Defendant's attorneys William B. Bunker and John R. Guyer appealed to the Supreme Court. The record being remarkably clean they relied upon the single question whether the death penalty, as applied to this offense and prescribed by the statute, constituted a cruel and unusual punishment within the prohibition of the eighth amendment to the Constitution of the United States.

Justice Frank W. Parker, writing the opinion for the court, concluded that the interpretation of the word "cruel" sought by the defense was untenable. "Punishments," he wrote,

are cruel when they involve torture or a lingering death; but the punishment of death is not cruel, within the meaning of that word, as used in the Constitution. It implies there something inhuman, and barbarous, something more than the extinguishment of life.

In fact, the judge pointed out, this sort of punishment was very fitting and proper for the crime committed. Said he:

It is hardly necessary to recall the incidents attending the ordinary train robbery, which are a matter of common history, to assure everyone that the punishment prescribed by this statute is a most salutary provision and eminently suited to the offense which it is designed to meet. Trains are robbed by armed bands of desperate men, determined upon the accomplishment of their purpose, and nothing will prevent the consummation of their design, not even the necessity to take human life. They commence their operations by over-powering the engineer and fireman. They run the train to some suitable locality. They prevent the interference of any person on the train by intimidation or by the use of deadly weapons and go so far as to take human life in so preventing that interference. They prevent any person from leaving the train for the purpose of placing danger signals upon the track to prevent collisions with other trains, thus wilfully and deliberately endangering the life of every passenger on board. If the express messenger or train crew resist their attack upon the cars, they promptly kill them. In this and many other ways they display their utter disregard of human life and property, and show that they are outlaws of the most desperate and dangerous character.¹

Many attempts to obtain executive clemency were made after the Supreme Court upheld the conviction. Efforts to save his life went even so far as to include the sending of

1. *Territory v. Ketchum*, 10 N. M. 718, at p. 724.

a spurious telegram to stay the execution. Nevertheless, justice was done, and Black Jack eventually hanged.

The execution of Black Jack was a well attended ceremony. Trinidad C. de Baca, who witnessed the hanging, reports that as the trap was sprung the sharpness of the noose completely severed Black Jack's head from the rest of the body. The body crumpled to the floor beneath and the head strangely vanished from view. The executioners excitedly looked around for the missing pate. Somehow it had rolled underneath the body where it was found upon removal of the corpse.

McGinnis was tried before Judge Mills at the 1899 term of the court in Colfax county at Raton. He was indicted for killing Sheriff Edward Farr and H. N. Love, who were members of a posse seeking to break up a fight in Turkey Canyon. The evidence in this case was largely circumstantial, and the question of whether much of it was properly admitted at the trial was bitterly contested. However, Judge Mills, apparently convinced of the defendant's guilt, permitted it to go in. McGinnis was convicted of second degree murder after the jury had deliberated three hours. Sentence of the court was the penitentiary for life. However, because of McGinnis' exemplary conduct there, Governor Otero ultimately commuted the sentence to ten years upon recommendation of penitentiary authorities.

Then there was the murder case of Elmer L. Price² who, while traveling on a train, proceeded to molest a woman passenger. When Frank B. Curtis, the conductor on the train, interceded in behalf of the lady, Price put an end to him by shoving him against the side of the car and firing three revolver loads at point blank range into his body. Price was convicted of second degree murder and the case was appealed when motion for a new trial was denied.

It so happened that a regular term of court opened two days after the killing and Price was indicted April 4, put on trial April 7, and convicted on April 13. The first three assignments of errors were based on a claim that Price had

2. *Territory v. Price*, 14 N. M. 262, 91 Pac. 733.

been forced to trial without adequate time for preparation of his defense by counsel and for procuring witnesses. Judge Abbott in overruling these grounds of complaint pointed out that there was no denial that Price killed Curtis, that the defense was justifiable homicide on ground of self defense and that, since the law on this score is simple, more time could have been needed only to locate witnesses, but it appeared clearly that the authorities had brought in all the passengers on the train who saw or heard the shooting. Under these circumstances, Judge Abbott decided, the best possible time for trial had been chosen and the trial judge was to be commended rather than censured for his prompt disposal of the case.

In addition to the railroad cases other sensational cases of a criminal nature occupied the courts during this period. On April 3, 1905, Antonia Carrillo de Mirabal was brutally murdered. Rosario Emilio was indicted in connection with the crime eight days later. Trial was had and a verdict of guilty of first degree murder returned on May 3, 1905, one month to the day after the murder. Judge Edward A. Mann, before whom the trial was held, pronounced the death penalty on May 5. Defense attorneys stayed the date for an early execution by appeal. As error they set out the fact that they had sought change of venue on account of local prejudice, but that the court had overruled them because it found that four witnesses whose affidavits had been produced by the defense to establish prejudice were not disinterested parties. Other technical errors were also claimed.

Throughout the trial Emilio consistently professed innocence of the crime and swore that the victim had taken her own life. He admitted he was present as an interested spectator, and testified with surprising clarity to the procedure which the lady had followed in carrying out her supposed act of self-destruction. Witnesses, however, put on the stand by the prosecution completely knocked out the fantastic suicide version advanced by the defendant.

On appeal the Supreme Court, speaking through Judge Parker, held that the irregularities claimed by the defendant were immaterial and that denial of the motion for change

of venue would not be disturbed because opportunity had been afforded to examine the compurgators as to interest and knowledge.

Then came the case of Jap Clark,³ employed as a cowboy on the Block ranch in Torrance county and who had been having difficulty with the law on charges of larceny and other infractions. Clark detested Deputy Sheriff James M. Chase of Torrance county.

On the evening of April 4, 1905, Clark was in an ugly mood as he with W. A. McKean entered Jim Davidson's saloon at Torrance. J. C. (Charley) Gilbert was standing at the bar as they came in, and Clark, thinking he had a bone to pick with Charley, proceeded forthwith by cracking a six-shooter over Gilbert's head, pounding the victim with his fists after a by-stander took the gun away from him, and kicking Gilbert with his feet. McFarland then succeeded in pulling the two apart. Gilbert went home and Clark and McKean headed toward the railroad depot.

Chase was on the way to his room when he heard the sound of rapidly approaching feet. As he turned around he saw Clark and McKean drawing towards him. Clark and McKean promptly made some remarks, shooting followed and Chase was killed. Clark and McKean were jointly indicted for murdering the official. After trial the jury found Clark guilty but set McKean free. There had been a question whether Clark or McKean had fired the shot which killed the deputy who had two bullet holes through his body.

In his assignment of error to the Supreme Court defense attorney A. B. Renahan questioned the legality of the court which tried Clark and McKean at Estancia. This novel question arose from the fact that when Torrance county was organized pursuant to Laws of 1903, Chap. 70, the county seat was given to Progreso by the act. Actually, Progreso was little more than just a name for there was no settlement at that point. The 1905 legislature changed the county seat to Estancia, but this Renahan contended was in violation of the so-called Springer act passed by Congress and approved

3. *Territory v. Clark*, 13 N. M. 59, 79 Pac. 708, 15 N. M. 35, 99 Pac. 697.

July 30, 1886, which provided that Territorial legislatures could not pass local or special laws locating or changing county seats. By an act of Congress approved July 19, 1888, the Springer act had been modified to the extent that it should not be construed as prohibiting the establishment by the Territorial legislatures of new counties and the creation of county seats thereof.

It was Mr. Renehan's contention that since Clark had not been tried at Progreso, he had not been legally tried. This was a serious question, but Judge Abbott, unwilling to set a criminal free, found a way out on the basis that the validity of the 1905 act should be attacked in a direct proceeding, rather than in an ordinary case in which it was brought collaterally before the court. He further found authority in an Illinois and in a Colorado decision to the effect that a valid session of a court could be held at a *de facto* county seat.

Other grounds of error advanced were reviewed and rejected; the trial court's sentence to seven years in the penitentiary was affirmed. Later Clark was let out on parole, but he soon became involved in another affray in which he beat up a man, thereby securing his re-incarceration.

Not all the interesting railroad cases of this period were of a criminal nature. To encourage building of railroad lines Congress during the last century had made the transportation companies various concessions. Occasionally, however, these grants led to abuse or caused controversy in other ways. Under one Congressional act the Denver and Rio Grande Railway Company was given the right to take stone, timber, earth, water and other material required for construction and repair, from the public domain adjacent to its roads, under certain specified conditions. Several controversies grew out of this particular act, one of which reached the New Mexico Supreme Court in August, 1898.

The Denver and Rio Grande Railroad was being sued for \$96,000 for conversion of logs, lumber and timber manufactured from trees cut from public lands in Rio Arriba county. The lumber had been cut for and on behalf of the railroad by the New Mexico Lumber Company and accord-

ing to the evidence it appeared that a great deal more had been taken than was actually needed. The district court jury had found the railroad company liable for converting the excess lumber and assessed damages at \$6,282.

Judge Mills in speaking for the Supreme Court said that the burden of proving that there had been a wrongful conversion rested with the United States, inasmuch as the railroad had the right to enter the public lands to cut the timber. On this ground, because an instruction had been given which placed the burden on the railroad to prove that it needed the lumber, the lower court was reversed and a new trial granted. Attorneys for the United States, however, preferred to appeal the decision to the United States Supreme Court which, on reviewing the facts, in turn reversed the New Mexico Supreme Court. The United States tribunal found that a burden rested on the railroad to show that cutting of the timber was for a proper purpose, and that this burden could not be shifted upon the United States by employing an agent to do the work.

In a somewhat earlier Supreme Court decision,⁴ it had been decided that the railroad was restricted by the meaning of the word "adjacent" to cutting its timber from the public domain located within the townships which immediately adjoined the right of way. This ruling of the New Mexico court, however, was appealed and in a decision by the Eighth Circuit Court of Appeals, reversed on December 13, 1897.⁵ The latter court held that use of the word "adjacent" did not restrict the company to the townships through which the road ran or even to those adjoining them. Cutting as far as twenty-five miles from the right-of-way, it said, was not in itself illegal, suggesting that it was for the jury to determine, under proper instructions, of course, whether a particular cutting was or was not adjacent. A proper test, the court thought, would be to ask whether the timber was within reasonable hauling distance by wagons.

Questions involving the right to the incumbency of various Territorial and county offices, and to the fees and

4. *United States v. Bachelder*, 9 N. M. 15, 48 Pac. 310.

5. *Ibid.*, 83 Fed. 986.

emoluments connected with them occupied a considerable share of the Supreme Court's attention during the twelve years Judge Mills was on the bench.

Several of these cases were controversies in which Frank A. Hubbell, treasurer and ex-officio collector, Alejandro Sandoval, assessor, and Thomas S. Hubbell, sheriff, of Bernalillo county were involved. Two cases reached the Supreme Court early in 1906. Frank Hubbell and Sandoval had been withholding a four per cent commission on revenues derived from gaming and liquor licenses collected under Territorial law. Action was instituted against them in each case by and on behalf of the Territory and the county of Bernalillo by District Attorney Frank W. Clancy, who contended that the officials were not entitled to withhold the commissions after passage of a law in 1901 prescribing the duties of sheriffs in regard to liquor and gaming licenses.^{5a}

The county treasurer under earlier legislation had been entitled to withhold a four per cent commission, but the 1901 law made sheriffs the actual collectors of the license fees and gave them a four per cent commission as compensation for their services. The district court had concluded that under this state of the law the county treasurer now was a mere custodian of the funds collected by the sheriff and was not entitled to any compensation.

In the other case the only question was whether or not the county assessor was entitled to a four per cent commission on these same gaming and liquor licenses. Under the old statutes it had been the legislative policy to make the pay of assessors contingent upon their diligence in placing taxable property on the assessment rolls, the law fixing their compensation by allowing them four per cent on the amount of taxes collected on their assessments. In the case of gaming and liquor licenses the county assessors were charged with the duty of certifying a list of all persons subject to the payment of gaming and liquor license fees, and their listing depended solely upon the diligence of the assessors in preparing these lists. The latter were then placed in the hands

5a. *Laws of New Mexico, 1901, Chap. 19 (Albuquerque, 1901), p. 46.*

of the collectors and were the basis of the tax and the collector's authority for collecting the fees.

The radical change made by the legislature in 1901 left to the assessors only a clerical duty to perform for which they were, perhaps, allowed an honorarium of fifty cents for each license under the terms of Chapter 108, Laws of 1901. Such, in substance, was the conclusion of the Supreme Court in its opinion written by Mr. Justice Mann. The Court upheld the district court in denying the commissions to both the treasurer and the assessor.

In another suit, growing from confusion and misinterpretation of the commission statutes, the Territory and the county of Bernalillo sought to recover \$2,265.20 in commissions which had been retained by Charles K. Newhall during 1901 and 1902, while serving as treasurer of the county, on \$56,630 worth of saloon and gaming licenses that had been turned over to him by the sheriff and ex-officio collector. Retention of the commission had been based upon a ruling of the Solicitor General of the Territory dated May 2, 1901, which expressed the view that both the sheriff and the treasurer were entitled to keep out a four per cent commission. Allowance of the commission, furthermore, had been approved by the Board of County Commissioners in a subsequent audit of Newhall's books. The lower court concluded that under these circumstances the erstwhile treasurer was entitled to keep the commission money. Chief Justice Mills upheld Judge Ira Abbott's decision in the trial court, saying:

In the case at bar we can come to no other conclusion but that the four per cent commission on the gaming and liquor licenses, were paid to Newhall under a mistake of law. In truth it is not contended that the payments were made on account of any fraud, duress or mistake of fact, and under the law . . . such payments having been made under a mistake of law, we are of the opinion that the court below very properly instructed the jury to return a verdict in favor of the defendants.⁶

Late in December, 1906, the Hubbells appeared before the Supreme Court protesting their removal from office by

6. *Territory v. Newhall*, 15 N. M. 141, at p. 149.

Governor Otero. Thomas S. Hubbell had been replaced as county sheriff by Perfecto Armijo and Frank A. Hubbell as county treasurer and ex officio collector by Justo R. Armijo on August 21, 1905, for alleged malfeasance in office and upon other charges.

After their ouster the Hubbells, through their attorney, had filed a petition for a writ of *quo warranto* in the second judicial district before Judge Abbott. The respondents demurred to the petition and the court, in order to speed the case to the Supreme Court, sustained the demurrer *pro forma* (as a matter of form) by agreement of counsel, in order that final decision might be reached before the terms of the incumbents in the two offices had expired. The question presented by both cases was whether or not Governor Otero had legal power to remove the appellants from their respective offices to which they had been elected by the people. After a lengthy consideration of the question, the court said:

We conclude . . . that the power to remove from office a lawfully elected sheriff in this Territory is not by the Organic Act vested in the governor, and . . . until otherwise provided by Congress, the legislative assembly has the right by appropriate legislation to determine the method of removal.⁷

Sandoval, who had been replaced by George F. Albright as Bernalillo county assessor under action of the County Commissioners, went to court and obtained a judgment of ouster against Albright. Then he was compelled to sue to recover \$6,184.16 which he claimed as due him as fees and emoluments of the office that were collected by Albright between March 27, 1903, and November 19, 1904. A verdict of \$5,360.53 was returned for Sandoval. The Supreme Court upheld the decision but expressed some impatience with the constant wrangling which had brought about repeated appeals. Said the court: .

This is one of the fragments of a litigation which has been before this court in one form or another at almost every term since 1904. The case at bar presents no features that have not been already fully considered and decided by this court. The power of the county commis-

7. *Territory ex rel. Hubbell v. P. Armijo*, 14 N. M. 205, at p. 226.

sioners to appoint Albright to the office of assessor was decided adversely to him in *Territory v. Albright*, 12 N. M. 293, 78 Pac. 204. The eligibility of Sandoval to hold the office was decided favorably to Sandoval in the same case. The right of Sandoval, under these conditions, to recover the fees of the office, was settled in his favor, by *Sandoval v. Albright*, 13 N. M. 64.⁸

During the closing months of Chief Justice Smith's tenure of office, an interesting and extremely important litigation had been started which remained in the courts of the Territory and of the nation for many years. The case involved the use of waters of the Rio Grande and was impressed with international complications. The problem first appeared before the Supreme Court of New Mexico in 1897. During this initial appearance the court was asked to answer what seemed at first blush to be a comparatively simple question of fact; namely, "Is the Rio Grande River navigable in New Mexico?"

The Rio Grande Dam and Irrigation Company was about to construct a dam at a point called "Elephant Butte," the object of which was to take water from the river and to store it in reservoirs for irrigation purposes. Federal authorities, hearing of these proposed plans of the Company, sought to enjoin construction of the dam by invoking the provisions of an act of Congress requiring approval from the Secretary of War in cases where rivers are navigable, contending in this case that the proposed dam would obstruct navigation of the river.

The New Mexico Supreme Court took judicial notice of what the Rio Grande is like along its course through the Territory, read some geological reports on its own, and after reviewing the evidence presented concluded that "it is perfectly clear that the Rio Grande above El Paso has never been used as a navigable stream for commercial intercourse in any manner whatever, and that it is not now capable of being so used."⁹

The case was appealed to the United States Supreme Court which looked at the controversy in a new light, and

8. *Sandoval v. Albright*, 14 N. M. 434, at pp. 435-436.

9. *United States v. Dam & Irrigation Co.* 9 N. M., 292, at p. 301.

after it had rendered its opinion, the situation must have appeared about as clear to the Territorial Supreme Court as the waters of the river during a heavy spring run-off. The nation's highest court ordered the cause remanded to the district court with instructions to set aside the decree of dismissal there, and to order an inquiry into the question of whether the intended acts of the Rio Grande Dam and Irrigation Company in constructing the dam and appropriating the waters for irrigation would substantially diminish navigability of the stream within the limits of its then present navigability many miles below the New Mexico boundary, and if it was found that it would diminish such navigability, to enter a decree restraining those acts to the exact extent to which they would so diminish navigability.¹⁰

Judge Parker, sitting as the trial judge when the case came back to the district court, had an investigation made in accordance with the mandate and, based thereon, decreed in favor of the irrigation company and authorized it to go ahead with its damming. Again, however, the case was appealed to the New Mexico Supreme Court which sustained Judge Parker in an opinion written by Chief Justice Mills.¹¹

Opposition of Federal authorities to construction of the dam appears to have originated in protests from Mexican authorities, and also from the fact that the United States was about to conclude a treaty with Mexico giving the latter liberal privileges in the use of the waters of the Rio Grande. In reviewing the history of the case and commenting upon the decision written by Judge Mills, the Santa Fe *New Mexican* on August 24, 1900, declared:

This decision stands as another defeat for the national government in its efforts to infringe upon the rights which the people of New Mexico and Colorado have to the use of the waters of the Rio Grande and its tributaries, and to pander the interests of a few political schemers and town lot boomers owning lands on the international boundary line at El Paso and Juarez, Mexico. The Supreme Court in passing upon the case sent it back to the third judicial district of New Mexico for further investigation on the point of whether the impound-

10. *United States v. Rio Grande Dam & Irrigation Co.*, 174 U. S. 690, 43 Law Ed. 1136, 19 Sup. Ct. 770.

11. *Ibid.*, 10 N. M. 617, 65 Pac. 276.

ing of waters at the Elephant Butte site would serve naturally to decrease the flow in the Rio Grande at that point where the stream was admitted to be 'navigable'—800 miles below El Paso.

A second appeal was perfected to the United States Supreme Court and for the second time the New Mexico Supreme Court was reversed, this time upon the ground that the United States had not been allowed sufficient time to prepare and present its case properly.¹² The cause was once more remanded, therefore, to the district court.

When the case was heard in the district court for the third time, Judge Parker held against the Company because it had failed to answer a supplemental complaint (filed by the United States over Company objections) within 20 days from the date of filing as required by law. Appeal was taken to the Territorial Supreme Court on assignment of many errors. The appeal challenged the right of the government to file the supplemental complaint. The appellate tribunal found that Judge Parker had acted with proper discretion when he permitted filing of this additional pleading.¹³ Since it pointed out that the Company had not completed its dam within five years as required by an act of Congress for such construction, thereby forfeiting its rights, the supplemental complaint set out nothing which was inconsistent with the original cause of action, the court said. On appeal to the United States Supreme Court the New Mexico appellate court was upheld, twelve years after the case originally was filed in the Territorial district court.¹⁴ It is interesting to observe that during all this time the nation's supreme tribunal never reviewed the case on its actual merits.

Perhaps the most disagreeable task that faces the Supreme Court from time to time is that of disciplining members of the bar whose conduct reflects upon the integrity of the profession. Thus it was that in January, 1907, the New Mexico Bar Association's committee on grievances presented papers charging a youthful attorney, W. J. Hittson, with

12. *United States v. Rio Grande Dam & Irrigation Co.*, 184 U. S. 416, 46 L. Ed. 619, 22 Sup. Ct. 428.

13. *Ibid.*, 13 N. M. 386, 85 P. 393.

14. *Ibid.*, 215 U. S. 266, 54 L. Ed. 190, 30 Sup. Ct. 97.

unprofessional conduct, allegedly consisting of soliciting business in an unethical manner and in making claims of having peculiar influences which enabled him to secure acquittal in criminal cases.

According to the evidence presented to the court, Hittson requested in a letter that a client, Cabe Adams, who was in jail charged with murder, sign notes to cover his legal services. Hittson told his client that he had a "pretty hard case," but that if Adams would follow Hittson's directions, raise the money or sign the notes, he (Hittson) would bring him through. Adams did not raise the money and did not sign the notes, but employed other counsel, and Hittson, learning of this, wrote Adams again, saying: "If you go on trial without me in your case, I will bet you, you hang. Will bet you the best suit of clothes made. You had better get busy."

The court's decision in the matter was long postponed but finally, in January, 1909, gave its opinion. Acknowledging that the last letter especially was improper and unprofessional, and recognizing too the difficult struggle which a young attorney just starting out in the practice of law frequently faces, it declined to disbar him, but suspended him from practice for a two-year period. Writing the court's opinion Judge Abbott said:

In view of the respondent's youth and in the hope that he will profit by this experience to adopt and conform to a higher standard of professional conduct in the future, we refrain from disbaring him, but suspend him from practice in this court and in the several district courts of the Territory for the period of two years.¹⁵

Chief Justice Mills was a thorough believer in adequate but at the same time short briefs by attorneys on appeal. Improper briefing appears to have given him considerable grief. When appellee's counsel in *Douthitt v. Bailey* failed to file a brief altogether he wrote:

We regret that the attorneys for the appellee did not file a brief in this case, as it would have saved this court a considerable amount of labor in looking up the law which is applicable to it. We have, however, endeavored to ascertain the law of the case, and, if our opinion

15. *In re Hittson*, 15 N. M. 6, at p. 9.

is not as exhaustive as it might be, it is owing to the lack of time which has been at our disposal.¹⁶

Excessive length and unnecessary padding of the briefs was frowned upon in *Robinson v. Palatine Insurance Co.*, wherein Judge Mills diplomatically observed:

Fifty-seven grounds of error are assigned in this cause, and as is usually the case, when the assignments are so numerous, it will not be necessary to discuss them all. It will perhaps be proper for us, in view of the very many assignments, to call the attention of the members of the bar to what the Supreme Court of the United States say in regard to making so many assignments of error: 'Other errors are assigned which it is unnecessary to notice in detail. Most of them are covered by those already discussed, and some of them are so obviously frivolous as to require no discussion. It is to be regretted that defendants found it necessary to multiply their assignments to such an extent, as there is always a possibility that, in the very abundance of alleged errors, a substantial one may be lost sight of. This is a comment which courts have frequent occasion to make, and one which is too frequently disregarded by the profession.'¹⁷

After serving the Territory for twelve years on the bench, Judge Mills received appointment from President William Howard Taft to succeed George Curry as Governor of New Mexico. At noon on March 1, 1910, Judge Mills took the oath of office as chief executive on the steps of the capitol in the presence of thousands of people from all parts of the Territory. The oath was administered by Judge Mills' successor on the court, Chief Justice William H. Pope.

As governor, Mills served New Mexico until statehood, January 15, 1912. His term as governor was almost completely devoted to making the shift from Territory to State, a matter which overshadowed all else from 1910 until 1912. Mills retained his legal residence in East Las Vegas, where he died on December 25, 1915, a victim of pneumonia.

(To Be Continued)

16. *Douthitt v. Bailey*, 14 N. M. 530, at p. 532.

17. *Robinson v. Palatine Insurance Co.*, 11 N. M. 162, at p. 173.

Notes and Documents

In the highly interesting paper, in a recent issue of the REVIEW, on certain phases of the second Spanish expedition to New Mexico,¹ an undoubted inaccuracy, perhaps only of minor importance, is perpetuated. I intend by this, the identification of "Piedrahita" as San Cristóbal and of Malagón as San Lázaro. As I have previously indicated elsewhere,² if identifications of pueblos, in the narratives of the Rodríguez expedition, made by Mecham³ and Hammond⁴ are accepted, then we implicitly agree that the Rodríguez mission was unique among Spanish expeditions to the Southwest in not visiting or even mentioning the great pueblo of Pecos. This idea is incredible. Consequently, Piedrahita—described as a large pueblo on the edge of the buffalo country—must be Pecos.

This leaves only three names of "Tano" pueblos in the Galisteo Basin. Very possibly San Lázaro was not occupied during most of the sixteenth century; and the number of Tano or Southern Tewa pueblos recorded by the various Spanish sixteenth-century expeditions seems to boil down to three quite consistently.⁵ Accordingly the pueblo Malagón must be identified as San Cristóbal. There is no particular reason to question the identification of Galisteo as the later Galisteo and of Malpartida as San Marcos. Surely, in any case, "Piedrahita" must be Pecos.

ERIK K. REED,
Santa Fe, N. Mex.

*Solved at last is a major mystery of the Southwest dating back to frontier days. Out of the meteoric and bloody

1. Fray Angelico Chavez, "The Gallegos Relación reconsidered," *NMHR*, XXIII: 1-21 (January, 1498).

2. Erik K. Reed, "The Southern Tewa pueblos in the historic period," *El Palacio*, vol. 50 (1943).

3. J. Lloyd Mecham, "The second Spanish expedition to New Mexico," *NMHR*, I, 265-291 (July 1926).

4. G. P. Hammond and Agapito Rey, "The Gallegos Relation," *NMHR*, II, 239-268 (July, 1927).

5. Reed, *loc. cit.*

* This item on Rudabaugh was submitted by Stephen A. Stone, 373 Leslie Street, Salem, Oregon.

career of Billy the Kid and his gang came the disappearance of Dave Rudabaugh that baffled, first the law officers, and later the historians of the old West who have never ceased to write about it.

More than sixty years after the breaking up of the gang and the slaying of Billy the Kid by Sheriff Pat Garrett at Fort Sumner, New Mexico, the case has, I believe, been cleared by Sky Small, former cowboy, later public officer in Montana, and now a resident of Portland, Oregon.

Rudabaugh, next to the Kid himself, was the most notorious of the gang, and in some parts of New Mexico more wanted by the law than his leader. He twice escaped jail at Las Vegas, the second time while under sentence to hang for killing a jailer. He got away for good, and the historians say he was never heard of again. Mr. Small knew him in Montana, and knows the approximate time of his death in Oregon less than twenty years ago. He told me the name under which Rudabaugh lived, but only on my promise that I wouldn't make it public. His reason for that was that Rudabaugh had three daughters who lived, and probably still live, in the Northwest. Although the omission mars the rounding out of the story, I respect the confidence.

One suspects, in reading the history of Billy the Kid, that some of it has been considerably overdrawn, that fact has been sacrificed to drama. But there was one incident that must have been among the most dramatic in the thrilling annals of the West. That was the scene at Las Vegas when Sheriff Garrett and his deputies had slipped the captured Kid and his followers aboard a train, were met by a mob and an opposing sheriff, and had to threaten to arm the outlaws themselves to protect them from a lynching. In that scene it was Rudabaugh, not Billy the Kid, who was the central figure.

In 1942 Collie Small, now of the *Saturday Evening Post* staff, was United Press correspondent at Salem, Oregon. One day in the Golden Pheasant restaurant he introduced to me his father who had come from Montana to visit him.

"Dad," Collie told me, "is an old Montana sheriff."

Law officers and their experiences have always interested me, so it was an enjoyable luncheon. Schuyler Colfax (Sky) Small was a well-groomed, alert man of seventy-four, somewhat under average stature. For further identification, to list only a few of the things he has done, he served Valley county, Montana, as treasurer and sheriff before that county was broken up into several counties, was for a time on the state prison staff at Deer Lodge, and later chief clerk of the Montana state railroad commission. His home in Helena was at 623 Holter street.

Our talk turned to outstanding western characters, good and bad. Billy the Kid was mentioned.

Said Mr. Small: "You know there was one of his gang who made a getaway, and who, they say, was never heard of again. I knew him in Montana. He died here in Oregon a few years ago."

"Do you mean Rudabaugh?" I asked, incredulous. I was familiar with the story from reading the narratives of the historians.

"That's right," he said. "Rudabaugh."

Of Dave Rudabaugh, Walter Noble Burns writes in *The Saga of Billy the Kid*:

"Placed on trial for the murder of the Las Vegas jailer, Rudabaugh was sentenced to be hanged. Sent back to Las Vegas, he broke jail a second time and never was heard of again in that country, nor is it known to this day what became of him."

But nine years later, in a sentimental moment, he revealed his identity when two cowboys met on a Montana trail.

Sky Small had done his first range riding in the middle '80s for Dooley & Kirkman's Round Top T outfit in Malheur county, Oregon. Then he joined up with the Niobrara Cattle company of Running Water, Nebraska, which operated in several states. First he rode for the company's N Bar spread on Powder river in Montana, but in 1887 the company sent him to Texas where it operated as the Rio Bravo Cattle company, branding the TT Bar.

"The next February," said Mr. Small, "I went into New Mexico as rep for the Rio Bravo on the Toyah creek, Davis creek, Pecos river and Seven Rivers round-ups.

"Billy the Kid had been killed in '81, and was still a fresh memory in that country. Although he had a reputation of having killed around twenty-one men he had befriended a good many people, and was something of a hero among the cowboys. He was a tough hombre, and that's what they liked.

"Among the people in general I think those who condemned the Kid and those inclined to defend him were about evenly divided. The same, I believe, could be said of Pat Garrett, his former friend, who,

as sheriff, had to kill him. The Kid's pals, of course, were often mentioned in the cow camps, and there I first heard of Dave Rudabaugh who had made a complete disappearance.

"In the spring of '88 I came back north and rode for the company on Powder river again, but in 1889 I went to work for the 79 outfit of the Montana Cattle company which ran 35,000 to 40,000 head of cattle and around 8,000 horses. It was in that outfit that I got acquainted with Rudabaugh who was riding for the company on Judith river."

Clearly Sky Small remembers the day in 1892 when the fellow cowpuncher he knew by another name told his story. He describes Rudabaugh as of medium height, rather slender, wearing a mustache as most men did then, and intelligent.

"He and I were riding toward camp," Small said. "He had been to Lewistown and was pretty drunk. I mentioned the Niobrara.

"Did you work for the Niobrara?" he asked.

"I told him I had been with the Niobrara in Montana and Texas and had repped for them on the Pecos.

"I rode for them on the Running Water," he told me.

"Maybe my mention of the Pecos set him to thinking.

"Kid," he said, "are you airtight?" I can still see him as he asked me that.

"You can trust me," I said.

"All right," he said. "I'm the last member of Billy the Kid's gang. I'm the man that got away."

"He told me the whole story, and said there was a price of \$10,000 on his head. After breaking jail at Las Vegas, he said, he hid for a while at the house of a friend, then got into Old Mexico. At the risk of his neck he recrossed the border, hooked up with a Niobrara trail herd and reached Montana.

"The day after he told me his story Rudabaugh was sober, and I guess he did some worrying. He thought maybe he'd made a mistake.

"Say kid," he said to me, "do you remember what I told you yesterday?"

"Yes," I said, "I remember all of it."

"What you going to do with it?" he wanted to know.

"Nothing," I said.

"He seemed to be satisfied with that. Even if he hadn't asked me to keep his secret I wouldn't have turned him in. I didn't consider it any of my business. To me he was just another cowboy. I have never heard elsewhere, or read, that there was a price on his head. Possibly there was."

Emerson Hough's statement that Rudabaugh was wanted for mail robbery as well as murder gives credence to the outlaw's assertion that this sizeable reward had been offered for his capture.

"Anyway," Mr. Small went on, "I was airtight. I didn't tell anyone for thirty-five years. Many years later I was appointed super-

intendent of the motor vehicle license plate factory in the Montana penitentiary at Deer Lodge. Another man on the prison staff was George Ayers, an old cowboy friend and father of Roy Ayers, then governor of Montana. One night, I think it was in 1927, George called me up and asked me to come out to his ranch. 'There's a man here who wants to see you,' he said.

"The visitor was Dave Rudabaugh. I hadn't seen him since '93. He was in a sad plight—broke, ragged, and getting old.

"He told us a good deal about his life in Montana. He had bought a cattle ranch, married a quarter-blood Indian woman and raised a family. For a time he had done pretty well. But his wife died, he got to drinking heavily and lost everything. He mentioned his three daughters, one in Great Falls, one in Spokane, and another in an Oregon coast town, Tillamook, I think.

"That night I told George who the old puncher really was. George fixed him up with new clothing, underwear and all, and I bought him a ticket to Spokane.

"Some time later I had a letter from Rudabaugh. He was living with the daughter in Oregon and wanted me to send him twenty-five dollars. I didn't do it. George Ayers and I talked it over. We knew he would only drink it up.

"I heard that he died a year or so after that."

In the *Oregonian*, dated January 1, 1881, is printed this dispatch:

LIVELY SCENE AT LAS VEGAS

Row over the Custody of a Murderer

Las Vegas, N. M., Dec. 28—The notorious gang of outlaws composed of about 25 men, who, under the leadership of 'Billy the Kid,' have for the past six months overrun eastern New Mexico, murdering and committing other deeds of outlawry, was broken up last Saturday morning by the killing of two and capturing of four others, including the leader. The prisoners were lodged in Las Vegas jail and threats of lynching were prevalent, but the vigilance of the captors, Deputy Sheriff Garrett and others, prevented. Yesterday afternoon Garrett and the other captors boarded a train with the prisoners for the purpose of taking them to Santa Fe. Sheriff Romero remonstrated against taking Rudabaugh, one of the prisoners, who killed a Las Vegas deputy sheriff, to Santa Fe, but to no effect. He then went to the depot with a posse of 35 men and made a formal demand for the prisoners, but was told that if he wanted the prisoners to take them. The sheriff then stationed men at the engine to cover the engineer, and the balance of the sheriff's posse crowded about the train platforms, which were crowded with additional guards pressed into service by

Garrett, and nearly every window of the cars served as portholes for rifles. Somebody suggested to take the prisoners now. Stewart, of Garrett's party, said: 'The instant the first shot is fired we will unloose every man and arm him.' While a fight seemed imminent Chief Engineer Robinson appeared and demanded that the train be allowed to proceed. The master of transportation said that if the train was not allowed to proceed he would arm all the railroad men and take it out. Detective J. F. Marley, of the post office department, jumped into the cab with a pair of six-shooters, and told the engineer to 'let her go.' A conference had just concluded, a compromise being effected by which it was agreed that the sheriff and two men should go to Santa Fe with the party, and if the governor agreed, bring Rudabaugh back to Las Vegas. The train then proceeded.

This dispatch differs rather sharply from the story as told by some of the chroniclers of later years, but a point of agreement is that the gathering of a mob and threats of lynching were directed mainly at Rudabaugh, who had killed an officer and escaped jail at Las Vegas a short time before.

The news dispatch has at least one inaccuracy, perhaps more. It calls Sheriff Garrett a deputy. At least one later writer, Walter Noble Burns, says the train was ready to pull out when Garrett, his deputies and his four prisoners arrived at Las Vegas, and that they immediately went aboard. The news dispatch says the prisoners were first lodged in the Las Vegas jail, and with this Eugene Cunningham, western historian, agrees. Burns wrote that it was Tom Malloy, a Las Vegas deputy sheriff, who boarded the engine. Mr. Cunningham writes that it was one Mollay, a deputy United States marshal. The news writer says it was J. F. Marley, a post office detective. One of the three names is probably correct.

Sheriff Romero seems to be overlooked by the writers of recent years, and they make no mention of the compromise with the mob, if there was one as the news reporter says. They do not agree on the place of Rudabaugh's trial. One implies he was tried at Santa Fe, then taken back to Las Vegas; another that he was returned to Las Vegas and tried there. Anyway, he was in the Las Vegas jail under sentence of death when he made his second escape and disappeared.

S. A. S.

*The story of Billy the Kid (William H. Bonney), the most notorious of Southwest outlaws, has been told by a number of narrators, but, it seems, a rather vital link still remains to be added thereto.

Historians have assumed that the Kid's gang, after his death in 1881, at once dissolved and that its members *lo mas posible* became honest and respected citizens. Walter Noble Burns, for example, states¹ that Billy Wilson, after he was released from jail, "settled down under a new name to peaceful pursuits near Uvalde, Texas," that he "lived cleanly and honestly and prosperously ever after." Tom Pickett, another member of the Kid's gang, according to Burns, also "turned straight after the Kid's death." (The sources of information for these declarations are not given). The Kid's erstwhile followers, however, seem to have reappeared in a southern New Mexican town early in January, 1884, nearby Mexican border, to have "shot up" the place, raised "high and hellish carnival," and after killing four inoffensive Mexicans there, to have finally galloped off in the direction of the border.

In the *Santa Fe Review* of January 11, 1884, there is a notice to the effect that Governor Sheldon issued a proclamation offering \$500 apiece, dead or alive, for the gang, for the action:

Billy Wilson, Tom Pickett, Yaank Beale, and Pony Williams took the town of Seven Rivers, Lincoln County [near Mexican border] on Sunday last, and after two days and nights of high and hellish carnival, they wound up their sport by carrying out one of the most blood-curdling crimes ever recorded in frontier history. While in the town they made their headquarters at Bill Griffith's saloon, where all the free whisky their carcasses could hold was easily had by reason of the fear which Griffith had of their murderous and reckless use of 45-Colts and Winchester rifles. The whole town was intimidated and remained at the mercy of the mob until their final departure.

On Tuesday afternoon, a party of eight Mexican laborers who had been at work on an irrigating ditch in the Pecos valley entered the town for the purpose of procuring a supply of provisions. Pony Williams, who was on the street, saw them and stuck his head in the door and yelled, "Come out here fellows; there is a gang of greasers

* This item on Billy the Kid was submitted by Henry W. Splitter, 28—27th Avenue, Venice, California.

1. *Saga of Billy the Kid* (1926), 309-10.

coming up the road, let's have some fun with them." With this everybody ran out of the saloon, and as they ran pulled their guns. Beale fired the first shot, and then the whole party opened fire on the dazed gang of laborers. At the first general volley two of the men fell. Two others fell while retreating a second later, and the balance found shelter behind adobe walls and fled for the mountains as fast as their feet would carry them. The rustlers fired something like a hundred shots, and without going near their victims, howled with delight as if so many maniacs, and turning, re-entered Griffith's saloon. Here they quietly reloaded their weapons, forced the barkeeper to fill them several bottles of free whisky, mounted their horses and dashed toward the Mexican border, discharging their weapons at every jump of their ponies. . . .

Tom Pickett was chief of the merchants' police at Las Vegas in 1879, but turned outlaw and joined Billy the Kid, who was then rendezvoused at Los Portales, east of Fort Sumner. Billy Wilson was the Kid's lieutenant in all his murderous career, and when Sheriff Pat Garrett captured the Kid at Stinking Springs, San Miguel County, in December, 1880, he also took Wilson, Tom Pickett, and the noted Dave Rudebaugh. They were brought to Santa Fe and placed in jail, and kept here until early 1881, when they broke jail and escaped. Garrett put a temporary quietus on the gang when he killed Billy the Kid at Pete Maxwell's ranch July 10, 1881. It was thought these companions of the Kid had followed the example of Rudebaugh and left the country, but it seems they have been operating in Mexico all this time. This is the first time they have dared cross the border since the death of their leader, the Kid.

In the January 12, 1884, issue are the following additional details:

Juan Rioval, one of the party of Pecos valley ditch diggers who was fired into at Seven Rivers by a quartette of the old gang of Billy the Kid, was a member of Sheriff Pat Garrett's posse that captured the Kid, Tom Pickett, Billy Wilson, and others at Stinking Springs in 1880, and although Rioval escaped at Seven Rivers, the theory is advanced that he was recognized by Wilson and party and fired on in retaliation for the aid he gave Garrett in capturing the gang at that time.

Two years ago Tom Pickett was town Marshal at Golden, this county, and he and Billy Wilson and gang ran things at a lively rate till Colonel Webb and several leading citizens bought a section of rope, told them they had gone far enough, and gave them five minutes to "vamos the ranch"—which they did, after seeing the rope.

It is strange that this none too savory sequel of the gang's operations should hitherto have been overlooked.

The probability is that the raid upon Seven Rivers has been fully recorded only in local historical sources such as newspapers, which up to quite recently have not been sufficiently delved into. Be this as it may, judging by the facts presented in the present papers, the phenomenon of the Kid and his gang seems to have been far from the one-man affair that current followers of the hero-myth seem to imply, and that the Kid's associates were, in their early years certainly, bad-men in their own right. H. W. S.

Documents Concerning William Bonney (Billy the Kid)
Newly Found in the Office of the Secretary of State of New
Mexico in Santa Fe, December, 1947

1. Warrant and record of judgment, Third District Court, Lincoln County. Sentenced for murder, certified copy for record.

2. Death warrant for hanging of Billy the Kid, issued March term of District Court, Third Judicial district, to Sheriff of Lincoln County, 30th May, 1881. Signed by Lew Wallace, governor, and W. G. Ritch, Secretary.

3. Coroner's report on Billy the Kid, July 15, 1881. Official report, signed by jurors.

4. Letter from Pat F. Garrett, Sheriff of Lincoln County, from Ft. Sumner, July 15, 1881, to the Governor, giving details of killing of Billy the Kid.

5. Decision of Attorney General in the matter of the reward claimed for William Bonney alias "The Kid" of May, 1881. To W. G. Ritch, Governor (acting), July 21, 1881.

6. Pat F. Garrett's application for the "alleged" reward of May, 1881, and the Governor's decision of July 20, 1881. Signed by W. G. Ritch, Acting Governor.

Donald Davison's "Alias Billy the Kid," in the *Las Cruces Citizen*, January 8, 1948, presents Pat Garrett's version of the killing of the Kid.

A short history of Watrous, New Mexico, by Rev. Stanley Crochiola, appeared in *The Santa Fe Register*, January 16, 1948.

The *Farmington Times Hustler*, January 16, 1948, carries the story of L. J. Gower, pioneer resident of San Juan county.

Lorene Threepersons' lengthy article on Chee Dodge appeared in *The El Paso Times*, January 26, 1947.

Dr. R. H. Ogle has on hand a number of copies of his book, *Federal Control of the Western Apaches, 1848-1886*, which is listed in the REVIEW as out of print. His address is the YMCA, Phoenix, Arizona.

Book Reviews

Calendar of Documents in the Santa Barbara Mission Archives. Maynard J. Geiger. Washington, D. C., Academy of American Franciscan History, 1947. Pp. xiv, 291. (Publications of the Academy of American Franciscan History, Bibliographical Series, I).

In 1944, the Academy of American Franciscan History was founded for the purpose of "the discovery, editing and publishing of documents, bibliographies and original historical works pertaining to the history of the Franciscan Order in the Americas."

One of the major contributions of the Franciscan Order to American history was the establishment of missions in California, and the outstanding leader in this work was Fray Junípero Serra. It is fitting, therefore, that the first publication of the Academy of American Franciscan History stands to a large measure as a memorial both to the California missions and to Father Junípero Serra.

Since the Santa Barbara Mission was the only one in California to remain continuously in the hands of the Franciscan Order, it was natural that the documents of the other missions should find their way to Santa Barbara. Interested and energetic administrators have increased the value of the archives by transcripts and photostatic copies of related documents.

In the *Calendar* the documents have been grouped into six sections. The first and possibly the most significant of these is the Junípero Serra Collection. Since the *Calendar* went to press many more items have been added to this part of the Mission archives. To complete the record of documents, therefore, a second volume of the *Calendar* is being prepared for publication. At the present time the documents in this section are not available for scholars, since these materials are being used in the canonization cause of Fray Junípero Serra. It is expected that ultimately this collection will be opened to scholars.

The second section is the California Mission Collection, 1640-1853. This and the collections of reports, tables, and lists from 1768-1934 in the fourth section contain materials of considerable value to the historian of early California. Of special interest are the reports of the *presidentes* of the missions and the annual and biennial reports of the individual missions. Source materials are available for many aspects of California life. A listing of a few documents, taken more or less at random, will illustrate this point:

20. Nov. 17, 1768. *Puerto de la Paz*.
Gálvez to Lasuén on preparations for the California expedition. Lasuén's remarks. Entire document in Lasuén's hand. 4 pp.
48. May 25, 1774. *Mexico*.
Antonio Bucareli to Palou on various California mission affairs. 7 pp.
70. July 15, 1780. *San Francisco*.
Invoice of goods received from the missions of Lower California. Hand of Palou. 7 pp.
125. July 20, 1787. *Monterey*.
Pages to Lasuén on Indian labor. Lasuén's reply, San Carlos de Monterey, July 23, 1787. 3 pp.
236. Feb. 23, 1795. *San Carlos de Monterey*.
Circular letter of Lasuén to the California missionaries on teaching the Indians the Spanish language. 3 pp.
279. Dec. 20, 1796. *Mexico*.
Branciforte to Lasuén concerning artisans. Lasuén's reply, San Carlos de Monterey, April 26, 1797. 4 pp.
591. Dec. 31, 1812.
Description of the earthquake of 1812 at Mission Purísima by Fathers Payeras and Ripoll. Tr. 1 p.
710. c. 1818.
List of mules belonging to Mission Santa Bárbara, and concerning payment for same. 2 pp.
784. 1818-1820.
Number of cattle branded. 1 p.
891. Oct., 1822.
List of contributors from the missions to the governor of California. Memorandum in hand of Payeras. 1 p.
927. Jan. 8, 1824. *Monterey*.
Plan of government for the department of California, 4 pp.
963. April 23, 1825. *San Carlos de Monterey*.
Sarría to Durán on the oath of allegiance. 24 pp.
1210. Jan. 27, 1833. *San Luís Obispo*.
Gil to Durán concerning disease at San Luís Obispo. 3 pp.

1565. Aug. 28, 1846. *Santa Inés*.

Circular letter of Fray José Jimeno to the missionaries from Santa Bárbara to San Diego on relations with the Americans in California. Urges moderation and prudence. 6 pp.

Another section of the archives contains documents dealing with the Apostolic College of the Santa Barbara Mission from 1853 to 1885. These documents are of primary interest to the Franciscan Order and are reserved for use by the Order and by Church authorities. The remaining sections of the archives contain various documents unrelated to California history and a miscellaneous collection of newspapers and other printed materials.

Father Maynard Geiger deserves credit for an excellent editorial achievement in the preparation of this *Calendar*. His descriptions of the documents listed will be of great service to scholars. The Academy of American Franciscan History has made a significant contribution to bibliographical literature.

RUSSELL BUCHANAN

University of California
Santa Barbara College.

The Government of New Mexico. Thomas C. Donnelly. Albuquerque, The University of New Mexico Press, 1947. Pp. vi, 330. \$4.00.

The objective of a textbook writer in the field of government, it has been said, is largely twofold; first, to make a clear and intelligible analysis of the existing organization of the governmental unit under consideration, and second (probably the more important), to examine critically the bases upon which the structure rests. In those instances where the writer differs or disagrees with the fundamental logic of the governmental set-up, it is proper that he advance opinions as to what he believes the basic structure should be, setting out his reasons for them.

Viewed in the light of these objectives, Dr. Donnelly's book on the government of New Mexico serves its purpose well. The state's functions and powers are comprehensively

covered and the book is rich in historical background material. The author has not hesitated to criticize the organization of existing departments and agencies where he believes criticism is warranted. He views with concern the state's penal system and rather severely criticizes organization of the district attorney's office. He regards the county as the "weak sister" in the governmental structure. His suggestions for governmental reorganization in many instances will bear serious study and consideration.

Not to be ignored in discussing the value of a new treatise is its actual need in the particular field. As Dr. Donnelly observes in the preface, "very little information can be found in any of the standard textbooks about the government of the state in which a student resides." Since, as he further points out, the government of the state in which a student lives is the one in which he is most interested, and because no other comprehensive general textbook has been available for some time, there remains no question of the need this treatise fills. The only major question remaining is how well it fills this gap.

The opening chapters adequately trace governmental organization of New Mexico before statehood and the framing of the state constitution. Pertinent provisions of the constitution are next discussed, others are briefly noted or summarized. In explaining the elective franchise in New Mexico the writer rather cogently calls attention to the disenfranchisement of those voters who find themselves absent from home precincts due to barriers which the constitution itself sets up. He outlines comparative advantages and disadvantages of the convention and primary systems for nomination of political candidates and speaks optimistically about the gradual improvement in the tone and conduct of political campaigns since statehood, attributable, he believes, to an expanding independent vote. He regards as a serious weakness in the elective process, the appointment of election officials on a basis of partisanship rather than of competence and integrity, but defends the often criticized scheme of blackened, tucked-under ballot numbers as a means of avoid-

ing ballot box stuffing, preventing chain voting frauds, and as aids in making recounts.

Material in the book with a few minor exceptions was brought up to date to the point of publication. Unfortunately books of this kind which must of necessity include changing factual data and statistics tend to become out of date rather quickly. Furthermore, inasmuch as books of this type seek to cover much material in limited space, shortened statements sometimes become misleading. Dr. Donnelly's book, it may be observed, appears freer from these flaws than the average treatise of its kind. Several may perhaps be noted as warnings to the student.

In dealing with the duties and qualifications of state officials the text recites that the lieutenant governor is the only elective state official who is not required to reside in Santa Fe during his term of office. This statement is correct if it is construed as applying only to the executive branch of the government, since neither the legislative nor judicial branches are covered by the requirement. The text echoes a common but erroneous impression that taxable property, real and personal, must be listed with the county assessor by the owner in January of each year, and this is the customary procedure. Technically, however, it is the assessor who should view the taxpayer's property, and in any event the taxpayer has at least until March 1st to report property subject to taxation. (See Sec. 76-210, N. M. 1941 Compilation). The writer summarizes various political arguments frequently advanced in support of the state and federal income tax, but does not mention its recognized inequities. Salutary as the income tax may be on the whole it leaves much to be desired in the case of persons with widely fluctuating incomes or those who are forced to dispose of capital assets temporarily during a period of inflation. The combination of "bunched income" and graduated tax rates, despite their apparent advantages from an over-all standpoint, often do result in unnecessarily harsh inequities. Only because the New Mexico income tax rate is comparatively low, as in the case of individuals who work for long periods

of time without pay and receive their full compensation at the end, subjecting them to the income tax burden in a single year, these inequities have not been more actively brought to the public view.

On the subject of improving the legislative process, the writer expresses definite views. He observes rather pointedly that enough time has already been spent criticizing and in trying piecemeal expedients, such as the split session experiment. He suggests a unicameral house with from fifteen to about twenty members, each to be paid around \$1,200 a year and to be elected from a district based on population. He further recommends that the constitution should be amended to permit annual sessions of the legislature on the unicameral basis without time restrictions.

Dr. Donnelly explodes the popular belief that the governorship in the past has been a stepping stone to high federal office. He observes that from 1912 until 1947 only Larrazolo was elected to the United States Senate after serving as governor, and further notes that the public career of the other governors has gone into "total or partial eclipse."

In reviewing the New Mexico educational system the author points out the most glaring deficiencies and advocates, particularly, the establishment of a county-wide school district system, thereby vastly reducing the present number of districts and eliminating the overlapping of extant municipal, rural and independent districts. He would at the same time provide a more adequate system of supervision than presently is possible under the dual control of elected superintendents and appointed boards of education which, at the county level, has on occasions led to serious conflicts.

Dr. Donnelly sees merit in an appointive system to replace the election of certain state and county officials. Particularly because of the nature of the duties involved he advocates an appointive secretary of state. To obtain and then to keep qualified school superintendents he favors their appointment. Though not belittling the evils of political appointments in certain governmental positions, he recognizes advantages in the system, such as a greater likelihood of

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Editors

FRANK D. REEVE

PAUL A. F. WALTER

Associates

PERCY M. BALDWIN

GEORGE P. HAMMOND

FRANCE V. SCHOLES

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ARTHUR J. O. ANDERSON

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Business communications should be addressed to Mr. P. A. F. Walter, State Museum, Santa Fe, N. M.; manuscripts and editorial correspondence should be addressed to Prof. Frank D. Reeve, University of New Mexico, Albuquerque, N. M.

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SANTA ROSA, NEW MEXICO

By OTTO GOETZ

THE melodious designations given by the early conquistadores to topographical features and localities of Spain's former colonial empire, our great Southwest, still grace our geographies. Although Santa Rosa does not share this distinction of antiquity, its name harmonizes with the ancient appellations.

The city by the Pecos river, county seat of Guadalupe county, did not exist when Antonio de Espejo with his fifteen soldiers and the Franciscan monk Beltrán returned to Chihuahua in 1583 from his exploration of the vast lands called New Mexico. His troops named the Pecos, "The River of Cows," on account of the great herds of buffalo which they encountered.

Gaspar Castaña de Sosa, Vice-Governor of Nuevo León, came north along the river in 1590 leading one hundred and seventy prospective settlers on his unauthorized expedition to attempt the colonization of the region.

Neither they nor subsequent explorers and adventurers in their wildest dreams could have visioned a city in this locality. All Indian pueblos were situated on strategic elevations near fertile valleys, and the Spaniards followed this example.

The Santa Rosa of to-day is a modern community, enjoying up-to-date public utilities, including a pure water supply, and an excellent school system. Located on the Southern Pacific and Rock Island, a transcontinental railroad, and U. S. Highway 66, also several state roads, it is a trade cen-

ter of an extensive territory and a primary wool market and livestock shipping point.

Half a century ago no more desolate spot could have been found in the then-Territory of New Mexico than the immediate vicinity of the Southern Pacific R. R. bridge across the Pecos River. The area is not a desert, for a stream flows through the land, although most of the time it was an innocent little creek, its waters being diverted farther up the river to irrigate the farmlands of numerous towns and villages. Now and then the Pecos, swollen by freshets or the run-off from the northern snow-clad mountains, went on the rampage, thus maintaining its classification as a river. There were some springs but their waters were charged with gypsum, tasting something like Epsom salts and equally as potent. Tall grass grew in abundance looking like a New England meadow on a frosty morning, only that the crystalline formation on the blades and white covering of the soil was the alkali seeping from the ground.

East of the river and about one mile south of the present railroad bridge, Don Celso Baca y Baca's adobe hacienda was the most prominent object of the landscape; and facing it across the road to Puerto de Luna, the then-county seat of Guadalupe county,¹ was a chapel also constructed of sun-dried bricks; beneath its floor Doña Rosa Viviana Baca y Baca, Don Celso Baca y Baca's deceased wife, was laid to rest. The little church was named in her honor, "Capilla de Santa Rosa." Many stories were told as to the wealth of the Baca family hidden within the sanctuary.

West of the Pecos river and a short distance south of the Santa Rosa of to-day, the Agua Negra Grant's 17,631 acres constituted the largest private land holding in the neighborhood. This extensive tract of land was originally allotted to Antonio Sandoval on November 24, 1824, by the

1. Guadalupe County created out of part of San Miguel County by the Legislative Assembly of the Territory of New Mexico in 1891, with Puerto de Luna designated as the county seat. First county commissioners Roman Dodge, Nathilde Chavez and Placido Baca. By act of the Legislature of 1903 Quay and Roosevelt counties were constituted out of portions of Guadalupe County, and the name of the latter changed to Leonard Wood County with Santa Rosa as the county seat. In 1906 the Legislative Assembly changed the name of the county from Leonard Wood to the original name Guadalupe County.

Republic of Mexico through the then Governor of New Mexico, Bartolome Baca (1822-25). He was the third governor of New Mexico under the Mexican Republic, ignoring the short interim of less than one year (1822-23) of General Iturbide's reign as Emperor Augustine I of Mexico. The grant was confirmed by the Congress of the United States on January 21, 1860, establishing the acreage therein, constituting a square with the Agua Negra Spring its center, its waters flowing into the Pecos river, under the name of the Rito de Agua Negra. It was from this spring as the central starting point that the dimension of the grant was determined; one league (2.63 miles) north and south, and one league east and west of horizontal and perpendicular lines drawn through the center of the spring. Mexico inherited its land measurements from the mother country Spain.

Don Celso Baca y Baca, as well as several other parties, had an interest in this grant. On this unfenced land and overflowing on the surrounding public domain, the cattle, sheep, horses and burros of the owners as well as near-by neighboring herds grazed. Early in 1888 a suit for partition of the grant was filed in the District Court of San Miguel County (in which the grant was then located), entitled Spiegelberg, plaintiff vs. Robert H. Longwill, Celso Baca, Lorenzo Labadie, Viviana Villanueva Baca, wife of Celso Baca, and Royitas Labadie, wife of Lorenzo Labadie. While the case was pending several other parties were named as additional defendants, and divers claimants made their appearance. The case was not decided until 1901; the court being unable to partition the grant, ordered it sold and the receipts disbursed according to the respective interests determined. Brigham and John H. Hicks were the purchasers.

Being strictly a stock-raising district, the entire population could have been counted as a few dozen scattered over the widely-separated ranches. It was a tranquil, pastoral region, its peaceful serenity being only occasionally disturbed by the traditional Sunday night bailes at Don Celso Baca y Baca's hospitable hacienda when the fiddle and accordion lured the dancers from far and wide to enjoy this weekly social gathering. There also were the yearly roundups when

the yelling of the cowboys, the lowing of the cows and the bawling of the branded calves broke the silence of the pastures; and during shearing and lambing time when the bleating of the sheep, the plaintive Spanish songs of the herders and shearers, accompanied by the tunes of harmonicas could be heard until the wee hours of the morning.

All this peaceful leisurely existence intermingled with later events represents a picture of New Mexico, the land of constant transition, where the centuries meet, and the trails of yester-years cross the modern highways of to-day, where grandeur and sublimity often border on the grotesque and oddities of creation.

With surprising swiftness the landscape and even the pastoral life of the country was transformed into feverish activity. Surveying crews invaded the region to stake out the right-of-way for the proposed Rock Island and El Paso Northwestern railways, to meet at the Pecos river about a mile north of Don Celso Baca y Baca's hacienda. The embryonic station was named Santa Rosa. The honor thus bestowed on the memory of Doña Viviana Villanueva Baca assuaged any ill feeling which the Baca family may have harbored against the invaders of their domain.²

The mere designation of Santa Rosa as the junction point of the two important railroad systems was sufficient to bring the immediate influx of the gentry usually following railroad construction, augmented by colleagues from the then-declining mining camps of Bland and Elizabethtown. A tent town came into being, the more pretentious establishments consisting of four or five boards nailed horizontally on some uprights, and these over-spanned with a tent. Thus the settlement was composed of a score or more saloons with their associated enterprises, lunch counters in the rear of the places and tables for poker players scattered about. Tinhorn gamblers and others making their living by their

2. There were other ranch interests in the vicinity of Santa Rosa: P. R. Page, Lorenzo Labadie, W. B. Giddings. Contrary to the wide-spread opinion that everyone welcomes a railroad, let it be said here that such is not the case with the stock-raising industry. Railroads bring settlers whose homesteads diminish the grazing lands, a train occasionally kills stock, and the sparks escaping from the engine often start prairie fires which destroy the grass and even burn down fences.

wits came from all sections of the Union. The sale of liquor was indeed the principal occupation of these ground-floor pioneers. Perhaps the dubious quality of the drinking water helped to enhance the liquor consumption. Water was brought to town first at \$1.00 per barrel, and later when competition increased at 75c per barrel.

Rapidly the construction camps gathered their crews; in a short time there were more than four thousand workers engaged in cutting a roadbed through the hills, filling canyons and excavating new channels for the flood waters to escape. Giant blasts removing obstructions rocked the country-side at intervals. For all these people Santa Rosa became a metropolis, trading point and recreation center. Lon Reed and Bill Hunter, two old-time cattlemen of Guadalupe county established a slaughter house to supply the camps with beef; they also operated a wagon-yard, corral and feed stable in connection therewith. Marsh and Dubois and the Moise Brothers opened general merchandise stores. Eating houses, blacksmith shops and laundries came into existence to cater to the demands of the ever-increasing population. Santa Rosa became a regular frontier town, a thriving community. Mail as well as all supplies was hauled in from Las Vegas, a distance of seventy miles. Mail came at first twice a week via Anton Chico, Las Colonias and Casaus by a four-horse stage line. The route was later changed to the crossing of the Pecos at the Juan Pais ranch where the stage stopped for dinner, and the mail was dispatched for Las Colonias and Anton Chico by horseback. Aside from the four horses used by the stage and the ponies of the cowboys, also mules used in the construction camps, burros had a monopoly on the transportation system; they hauled freight, supplies, wood and water to the town. In fact there was an over-population of burros. Celso Baca y Baca had a herd estimated all the way from several hundred to a thousand or more. They were branded with a large B on the left flank and a large C on the shoulder. Led by a white jack these marauders invaded the town day and night, upset garbage and water barrels, broke into corrals and consumed the hay intended for the horses. They finally became

such a nuisance that the citizens took some drastic measures to rid the community of their presence. Old roofing iron and tin cans were tied to the burros, then with a liberal application of highlife they were bidden adieu. The burros left the inhospitable community; some years later their presence was reported in the Manzano mountains 100 miles west of Santa Rosa.

The post office was originally located in a small room at the Celso Baca y Baca hacienda. The incoming mail was dumped into an oblong clothes basket and it was up to everyone to fish out what belonged to him. Since letters and papers accumulated in this basket for some years, it became quite a task and time-consuming undertaking to get possession of one's mail. The citizens finally tiring of this primitive method, took the post office to the store of Marsh and Dubois, a procedure not mentioned in postal laws and regulations. The moving of the post office had its beneficial influence on the town's development. It now began to spread toward the east, while formerly it consisted of a single street stretching south.

Nor did the community lack picturesque characters who would to-day make outstanding figures in a western movie. There was Cherokee Dora who could outcuss any muleskinner, ride any horse which would carry a saddle, and hold her own in a drinking bout; a bronco-buster who stayed in the saddle despite all the gymnastic performances of her mount. She was equally proficient with the rope and branding iron. Broad-brimmed black sombrero, jacket, short divided skirt, high cowboy boots with spurs, a full cartridge belt with her ivory-handled forty-five six shooter hanging in the holster, she made a formidable appearance. No one knew anything of her background, and inasmuch as it was unethical to ask such questions, the Indian woman always remained a mystery.

An explosion killed one or two men in the construction camps, several others were seriously injured, and medical supplies were urgently needed. The nearest place where they could be obtained was Las Vegas. Dora volunteered to make the trip, 65 miles across the country each way. She

started late in the afternoon and returned early the next morning, delivering the supplies to Dr. M. F. Des Marais, the attending surgeon, having made the ride both ways on the same horse, an incredible feat that caused many to say "impossible." Quite a different type was ladylike Inna who was an excellent bronco buster and trained horses to follow their master and kneel to permit a lady to mount. It was believed that she had some hypnotic influence over the wildest beast. No one knew Inna's identity; some claimed she was a Spaniard, others that she was of Indian extraction, but everyone had a great admiration for her horsemanship. Six-shooter Fannie, also of undetermined race or nationality, followed no particular occupation aside from getting drunk once or twice a month, and her insistence on these occasions to shoot up the town in regular western fashion. Since her shots were all directed into the blue sky, there was no particular objection to her amusement. Rather odd but ordinarily peaceful was Dolly, an almost perfect albino. All these would emphasize Rudyard Kipling's assertion that "The female of the species is more terrific than the male."

The construction crews were a motley assembly of races and nationalities from all sections of the United States: Swedes, Danes, Norwegians, Italians, Native Spanish-Americans, Mexicans from our southern sister republic, Negroes, Indians from the New Mexico pueblos, and divers crews of other nationals. Among the latter the Dalmations were the most remarkable: robust, tall men, very industrious and sober, they wore number 12 and 13 shoes (this should give an idea of their size). Perhaps it was these qualities and characteristics which induced the Roman army to select one of their countrymen, Diocletian, as emperor of the Roman Empire in 284 A. D.

Of course the town had a deputy sheriff who was supposed to maintain law and order, but he was a conscientious objector to exposing his person to any chance of violence or to even being present where circumstances indicated trouble might develop. It therefore became necessary for the citizens to protect their own rights and property and maintain some semblance of order. Saloons had regular hangers-on

called "rollets," presumably derived from their occupation of rolling drunks over to pilfer their pockets of whatever change might accidentally remain therein. Cardsharks and tinhorns stripped the would-be poker players swiftly of their stakes. Horses and buggys were stolen while their owners entered a store or saloon. Those caught were guarded by the citizens in shifts from two to three hours. Sometimes their punishment was eviction from town, other times more severe. Violent drunks were simply chained to a tree until they became tractable, but there is no case on record where the treatment produced a permanent cure. Cries of "Help" were frequently heard during the night, but the population had become hard-boiled, "just another drunk" and no attention paid. If there were any fatalities they passed unnoticed. The construction workers were men without families whose disappearance caused no particular inquiry. The court records show only one murder for the period, and that not a premeditated homicide.

Finally the citizens secured the services of an experienced peace officer to be paid by public subscription. The first night on duty he was shot through the neck but recovered, and the town enjoyed at least some protection. He left town for parts unknown after serving only a short time. It was reported that he took with him two trunks full of fire arms gathered in the pursuit of his official duties.

Last but not least among the town's notorious characters was "Jim." Jim was a fawn-colored burro colt, the most friendly and sociable specimen of his tribe; an aristocrat in burrodom, he disdained association with his own kindred and bestowed all his affection on humanity. This caused his moral downfall and delinquency, for the boys taught him to drink beer. The donkey took to the habit like a fish to water; he learned to enter a saloon of his own volition, nose his way to the bar where a dish was set before him and soon filled by the contributions from the glasses of the patrons and liberal donations from the bar-tender. Often a more free-hearted customer treated Jim to an entire bottle, whereupon the burro held this in his jaw, lifted his head and let the brew gurgle down his throat with apparent relish. Jim was

a welcome visitor at any bar for wherever the burro went a crowd soon followed to watch his antics. After making the rounds of the different establishments and consuming his quota, when his wobbly legs would no longer sustain his body, he would lie down to sleep off his debauch inside a saloon or in the street. This nearly cost him his life; lying thus one day in the road a teamster with a load of lumber becoming impatient after vain efforts to get the burro to move, drove his wagon over the unconscious Jim. Immediately an angry crowd gathered, for the donkey was everybody's pet. The declaration of one of the by-standers that only Jim's leg was broken and he could set it, was all that saved the driver from violence; however, he was compelled to pay a fine of \$20 before he was allowed to go on his way. The donkey, raised on a tripod to take the weight from his injured leg, became a teetotaler. Nothing but water quenched his thirst and there was hope for his reformation. But when finally restored to normal and the corral gate opened to free him, all his good resolutions went to naught. After breaking into a hilarious hee-haw he started for the nearest booze joint. Alas, Jim was a backslider, a confirmed drunkard; he returned to his old sinful ways, one spree after another interrupted only by short periods of sobering-up to regain the locomotion of his legs. A regular town bum, mooching drinks wherever he could.

Still Santa Rosa emerged from its frontier days' experiences into an orderly community. In addition to the general merchandise establishments of Marsh and Dubois, and the Moise Bros., as well as the other enterprises in operation, Geo. H. Smith and Tom Melaven opened stores. Dr. Van Patten opened a drug store, E. G. Cooper brought out the first edition of the *Santa Rosa Star*, giving the town its pioneer newspaper. Mr. Cooper is now living in Santa Fe and has a valuable collection of photos of the early Santa Rosa. The business section of the town moved to the new town-site east of the old tent village along the railroad right-of-way. Here H. B. Jones established the Guadalupe County Savings Bank. Another early arrival in Santa Rosa was Judge E. R. Wright, now residing in Santa Fe. The Judge,

an outstanding attorney, a member of the Territorial Court in 1910 and 1911, and sole survivor of the territorial judges, has made his home in Santa Fe for ten years and contributed much towards the development of the city. He is an authority on the early history of Santa Rosa and other settlements in the eastern part of the state. The writer of this is under great obligations to the judge for much of the information and data contained in this story.³

It was on December 26, 1901, that the citizens and people from the surrounding country gathered at the right-of-way to see the first train brought into Santa Rosa; from the east an engine came puffing, pushing flat cars loaded with ties and rails. These were laid in place and the train proceeded until it reached the river. Material for the bridge was also brought by the Rock Island train. The El Paso North Eastern did not reach the bridge until February 2, 1902.

Santa Rosa was now connected with the outside world by rail, its wild and woolly days at an end. The tent town disappeared, its denizens silently departing for greener pastures, and the construction camps became deserted. It was the birth of a city, a new era of progress and achievement.

No less turbulent was the neighborhood of Santa Rosa; the construction of the railroad brought hundreds of families into the country looking for farmlands. Who could resist the alluring offer of the government, a 160 acre homestead for a filing fee of only \$16, or ten cents per acre. All they had to do was to stay on the land for five years, cultivate part thereof and make some improvements. These prospective settlers dreamed of monster wheat crops, the railroad being at their front doors to transport it to the market. In five years when they received title to the land it would be worth \$100 per acre. They fenced their lands,

3. It is to be regretted that proper credit cannot be given to the pioneers whose efforts and labors contributed to the upbuilding of Santa Rosa. Many names have been forgotten, men and women who played a prominent part in the city's development and have moved to parts unknown or have obeyed the last call. Among those still surviving are J. W. Wood, residing in Santa Rosa, and C. H. Stearns, now living in Albuquerque. Mr. Stearns was the agent and representative of the townsite company for some time, later succeeded by Judge E. R. Wright who held that position until the company disposed of its holdings to H. B. and C. R. Jones.

built houses, barns and corrals. With each day the fences encroached more and more on the grazing territory of the stockmen. This brought about the inevitable clash between the conflicting interests, the new-comers called nesters, and the cattle and sheep raisers. The nesters at first in the minority rapidly increased in numbers by additional home-seekers coming from many states. Finally the nesters became so numerous that they gained the upper hand; cattle straying into their fields were killed and this drove the stockmen to desperation. Woe to the cattleman who strayed into the domain of the nesters, and vice versa to the nester who wandered into the yet-existing grazing lands. For awhile it looked as if the stock-raising industry would be completely obliterated. But the settlers did not include one factor in their calculations, the utterly deficient rainfall of the region. Slowly they departed, some penniless, returning to their old homes a disillusioned people. As one witty Irishman summed up the situation, Uncle Sam is willing to bet you 160 acres against \$16 that you can't stay on one of these homesteads for five years without starving to death. In a short time the houses and barns disappeared, used for kindling wood; the fence posts served the same purpose and nearly every vestige of the invasion of the homesteaders became obliterated.

The chapel still stands opposite the renovated Celso Baca y Baca house. The sanctuary would make an ideal museum, being the last resting place of the lady after whom the city was named.

Astonishing is the transformation which has taken place. The once desolate region has become a scenic attraction. Those who laid out the city should be complimented on the wide streets, permitting the traffic from the several highways, of which Santa Rosa is the hub, to freely circulate. Substantial buildings line the streets of the business section, including the Guadalupe County Court House, schoolhouses and other public structures in landscaped grounds. Shade-trees fringe the avenues in the residential section, with dwellings surrounded by lawns and gardens.

The city's greatest attraction however are the numerous

lakes in its vicinity; nature itself attending to the beauty of their environment with grotesque rock formations, trees and shrubbery. Some of them are used as fish hatcheries.

Many theories have been advanced as to the origin of these lakes; surface indications seem to support the belief that all are fed from some common underground water-source, a mother flow, and are connected by subterranean channels. It is believed that the outcropping upper strata of sand-stone is underlaid with a softer limestone formation through which the waters by percolation and erosion have forced their way to the surface. According to soundings taken, some of these lakes are regarded as bottomless.

The most picturesque is the "Blue Hole," its indigo blue waters being overshadowed by a stratified natural sandstone wall on the east side; it is 81 feet deep, 100 feet wide, and discharges 3,000 gallons of water per minute at a temperature of 62 degrees.

Santa Rosa may well be called "The City of the Lakes."

PERIODICAL DEPT.



Photos by Robert Martin

Left: The Baumann restoration, which shows the Benavides "Assumption"

Right: Original statue, undraped, front view



Left: Original statue, undraped, rear view (photo by Robert Martin)

Right: Our Lady of Talpa, shown for comparison

NUESTRA SEÑORA DEL ROSARIO
LA CONQUISTADORA

By FRAY ANGELICO CHAVEZ

CHAPTER III

THE LADY CHAPELS

1. *The "Conquistadora Chapel."*

Should the "Benavides-statue" theory prove to be correct, the first chapel of *La Conquistadora* as an image of the Assumption was the original parish church of Santa Fe, built sometime after 1610, the one that appeared like a mud-hut to Fr. Benavides on his arrival in 1625; from there the statue was transferred to a special chapel in Benavides' new Parroquia, finished by 1628 or 1629, and presumably in this same chapel she was transformed into a Lady of the Rosary years later in the manner and under the circumstances previously described.

But even if *La Conquistadora* were an altogether different statue of identical size, since the Rosary Confraternity already existed in 1656-1659, the first *Conquistadora* chapel would still be the Parroquia itself, or else the military chapel attached to the Palace of the Governors. The only reference that might apply here, and this only for the Indian Revolt period, occurs in the description of the siege of Santa Fe in 1680. When definite rumblings of an Indian uprising were felt in the Capital, its citizens, as well as others from the surrounding settlements and ranches, fortified themselves within the town. On August 13, the Indians in full force laid siege to Santa Fe. By degrees they captured parts of the town, forcing the Spaniards to retreat at last into the large walled military compound within the Palace of the Governors; the people had most likely removed what they could of value from the Parroquia, which was soon destroyed by the enemy, who also set fire to San Miguel Church. Several counter-attacks in the name of the Virgin were made by the

Spaniards, which inflicted severe casualties on the Indians, but they found themselves unable to break the siege. Wrote Governor Otermín:

Proceeding to the use of arms, they began to fight, taking possession of the church of the *villa* and of the houses, setting fire alike to the holy temple and to the said houses, burning everything. . . . They came to set fire to the doors of a hermitage of Our Lady which is in the tower of the said *casas reales* [the Palace of the Governors], where, seeing that they could not overcome us, they occupied the river and the houses, cutting off our water entirely for a period of two days and a night.⁴⁸

Unable to hold out any longer, since the people of the Rio Abajo had not come to his aid, Otermín sallied forth with his subjects on August 21, the men defending the women and children, the aged and wounded, in their midst. With them went *La Conquistadora*, "saved from the fury of the savages," but we do not know with certainty whether her old throne at the time had been in the Parroquia, from which she had been taken to the Palace during the siege, or whether her own shrine at this period was "the hermitage of Our Lady" in the tower-chapel. During the thirteen-year exile, as the early fragment sheets point out, her shrine was the chapel in the *Real* of San Lorenzo, named in honor of the Saint on whose Feast, as Fr. Ayeta wrote, the Indians had rebelled and massacred so many of the Spaniards.⁴⁹

During the first crucial days of the 1693 Reconquest, the statue was still enclosed in a wagon, which was apparently kept in the civilian camp on the site of the present Rosario cemetery. Meanwhile, de Vargas looked around the *Villa* for a building in which Mass could be said and in which his vow could be kept to enthrone the Lady of the Conquest, as he mentioned in October in his letter to the Viceroy. First he examined the Parroquia; it was beyond repair. Next, he ordered the San Miguel chapel re-roofed, but the Indians protested with reason that, winter having set in, it was too cold to cut and haul *vigas* from the mountains. These Indians in turn offered him a tower in the Palace which had

48. C. W. Hackett and C. C. Shelby, *Revolt of the Pueblo Indians of New Mexico*, (Coronado Historical Series, VIII, Albuquerque, 1942), I, 113.

49. Anne E. Hughes, *op. cit.*, p. 316.

been used by them as a kiva. Overcoming the protests of the friars with good arguments, he reopened the original entrance, which the Indians had sealed up years before, and designated this place as the temporary parish church. Then came the days of waiting for the Indians to move to their Pueblos, their sudden resistance, the battle for Santa Fe, the Spanish victory, and the repossession by the colonists of the ancient capital. Then, most likely, *La Conquistadora* returned to the "hermitage of Our Lady," and perhaps remained there until the Parroquia was finished more than two decades later. Since, all this while (between 1693 and 1717), succeeding Governors were also *mayordomos* of the Confraternity, the Palace chapel was her logical resting place.

The new Parroquia, dedicated after the Reconquest in honor of San Francisco de Asís, facing the street of the same name, was a-building during the second decade of the new century. Records of this period of rehabilitation and reapportioning of property in Santa Fe bear witness to both the time and the location.⁵⁰ From the old *Conquistadora* sheets we learn that the Confraternity itself was still established at the Palace of the Governors in March 17, 1714. But by October of 1717, it was "In this church of the *Villa* of Santa Fe," and in October of the following year a more explicit term is used: "In this church of Our Holy Father St. Francis of the *Villa* of Santa Fe,"⁵¹ which shows that the main part was finished and in use by that time. The Confraternity's own chapel, attached to the Parroquia, also appears to have been completed. Between October 16 and sometime in December, 1717, the *mayordomo*, Bernardo de Sena, paid sixty pesos to the carpenter Juan de Medina for building the high altar of the chapel, as well as its sacristy.⁵² He also paid another sum to Andrés Montoya for hauling lumber for the sacristy, and still another to Salvador Archuleta for thirty-five *vigas* (no exact date given); these entries follow others of March, 1718, but very likely the tim-

50. *Sp. Arch.*, I, No. 181 (1714), "la Yglesia nueva q se esta fabricando." Also, nos. 491, 498, 680, 1072, and 1074.

51. (d) Accounts, f. 2. (e) Minutes, both sides.

52. Accounts, f. 63v.

bers had been cut and hauled the preceding October before winter set in, or even before the carpenter was paid for his work. At any rate, we can safely say that the Lady-Chapel, connecting with the north transept wall of the Parroquia, was already in use by the spring of 1718.

Nor is there any doubt that this chapel is the North Chapel attached to the present Cathedral. Documentary testimony from its erection until now is continuous. Besides the old Confraternity fragments of 1713-1726, we have the oldest extant burial register of the Parroquia, listing the burials made inside the new church and the location of each grave.⁵³ Starting with March, 1726, the following persons, probably leading members of the Confraternity and members of their families, found a last resting place in the North Chapel:

Maria Hurtado, March 22, 1726, widow of Antonio Montoya, buried "*en la Capilla de Ntra Señora.*" Sebastián Gonzales, husband of Lucía Ortiz, June 11, 1726, buried "*en la Capilla de Ntra Señora.*" Tomasa Gonzales, wife of Don Bernardino de Sena, Feb. 20, 1727, buried in the sanctuary of "*La Capilla de Ntra. Sra.*" Gerónima Barela, widow of José Domínguez, April 11, 1727, "*en la Capilla de nuestra Señora.*" Margarita Martín, wife of Juan de Apodaca, April 25, 1727, "*en la Capilla de Ntra Señora.*"

"*El Regidor Don Salvador Montoya,*" May 8, 1727, in the sanctuary of "*la capilla de Ntra Señora La Conquistadora.*" Tomasa Montoya, wife of Alfonso Rael de Aguilar, May 20, 1727, under the high altar of "*la Capilla de Ntra Señora.*" (Burials in outside cemetery begin May 19, 1732.)

Domingo Tenorio, eight years old, June 8, 1733, "*en la Capilla de Ntra. Señora.*" Manuela Gonzales, infant, June 10, 1733, "*en la Capilla de Ntra Sra. la Conquistadora.*" Francisca Ygnacia, ten years old, June 7, 1733, "*en la Capilla de N. Sra. la Conquistadora.*" Gertrudis, six years old, June 16, 1733, "*en la Capilla de Ntra. Señora.*" Felipe Sánchez, eighty, Feb. 1, 1734, "*en la Capilla de N. Sra. La Conquistadora.*"

Don Alonso Rael de Aguilar, April 10, 1735, in the "*Capilla de la Virgen.*" María Dorotea, infant, June 24, 1733, "*en la Capilla de Nra. Sra.*"

53. AASF, Burial-48, *Santa Fé*. Compare these names with those in the fragments. The *Auto de Presentación*, January 6, 1726, states that it is the third book of burials. Its lost predecessors no doubt contained the funerals conducted from the Palace tower-chapel and San Miguel, as also some from the newly-finished Parroquia until the second book was filled up to January of 1726. If we had the two older burial books, the last resting place of de Vargas would be no longer a mystery.

Simona Domínguez, Nov. 20, 1736, and Angela Gertrudis Valdés, Jan. 30, 1737, "*en la Capilla de Nra. Señora.*"

Doña Teodora García, wife of the *Teniente General* Don Juan Páez Hurtado, Nov. 17, 1736, in the sanctuary of the "*Capilla de Ntra Señora.*" Doña Manuela García, widow (of Salvador Montoya) in the same grave as her sister, the same day. Francisca de Ribera, maiden, Dec. 22, 1737, "*en la Capilla de Ntra Sra la Conquistadora.*"

Juan Rodríguez, *Alcalde Mayor* of the *Villa*, Jan. 2, 1738, "*en la Capilla de N. Sra.*" Domingo Fernando Tenorio, child, May 17, 1738, "*en la Capilla de Ntra Sra la Conquistadora.*" Juan Lucero, Nov. 23, 1741, "*en la Capilla de Ntra Sra la Conquistadora.*" Benito Domínguez, April 5, 1742, "*en la Capilla de Nra. Sra.*"

"*El Theniente Genl Dn Juan Paez Hurtado.*" . . . May 5, 1742 . . . "*en el Altar de Ntra Sra la Conquistadora.*" Don José de Reaño, husband of Doña María de Ruibal, April 16, 1743, "*en la Capilla de N.a Sa. del Rosario.*" (Up to this time Fr. Guerrero had used the term "*Conquistadora,*" but from now on other friars write "*Rosario.*" Also, after this last date, no mention is made of the exact place of burial until the 1770's, after the revival of the Confraternity.)

The child José Bernardo, July 18, 1776, "*a el entrar de la Puerta de la Capilla de Na Sa del Rosario,*" entry by Fr. Francisco Atanasio Domínguez. He also buried María Ygnacia Romero, July 28, 1776, "*en la capilla de N.S. del Rosario de esta Yglesia de N.P.S. Fran.co de esta Villa de Sta. Fe.*"

Juana Teresa, child, Dec. 30, 1776, "*a la entrada de la Capilla de N.S. del Rosario.*" Juan Esteban Ortiz, soldier killed by Comanches, buried Nov. 17, 1777, in the Parish Church of St. Francis, "*en frente de la Capilla de Nuestra Sa del Rosario.*" Maria Francisca Rivera, April 25, 1778, inside the Parroquia "*en la Capilla de Nra Señora del Rosario.*" Manuela Roibal, May 1, 1778, in the Parroquia "*en la Capilla de Na Sa del Rosario.*" The last two recorded burials are: Catarina Rivera, Feb. 31 (*sic*), 1779, and José de Dimas, May 21, 1780, in the Parroquia, "*en la Capilla de Ntra Sa de Rosario.*"

The earliest full description of the chapel found so far is that of Fr. Atanasio Domínguez in 1777.⁵⁴

CAPILLA DEL ROSARIO

To speak with more order and propriety I reserved this chapel for this place. Well, it is located on the Gospel side of the principal Church against the outer wall of the Transept [extending] towards the outside as is the chapel of Suleta in the Church of our convent of Mexico.

54. *Op. cit.*, ff. 4128-4133.

It is made of adobes, thick walls of about a *vara*; its doorway is opened archwise in the wall of said place, and from there to the wall of the high altar it is twenty *varas* long, seven wide, and nine high. Its *vigas* are laid evenly and without skylight like the church, and they are twenty-four new ones, round (like those of the transept in the Church) and laid over the ancient corbels. Its sanctuary is distinguished [from the nave] by two small steps going up, and the top one measures four *varas* towards the center, being as wide as the nave of the body of the chapel. Its choir is located over the doorway of its orientation on twelve projecting corbels, with its small railing or balcony; its depth is three *varas*, and its width that of the chapel. The floor has new joists. The entrance is double-doored and of planed planks, high and wide in proportion, and has bolts. Its windows are two, on the Epistle side at an even distance, with wooden grill-work, and facing the east. Its furnishing or adornment is as follows:

HIGH ALTAR

There is no altar-screen, but a large niche which rests on a bench for the purpose, and two bases on the sides of the niche with two small niches on them (these and the large one are like little chapels), make up for it—and all painted red with yellow mouldings as though in tempera. . . . [*Next follows the description of the statue already quoted.*] Concerning its valuable ornaments more will be said anon, and thus there will be no confusion as to which it has on, the rest remaining put away with the exception of what I mentioned as her wearing all the time.

The niches on the bases have their small Saints in the round, and proportionately distributed on the walls to the Sanctuary are ten canvases in oil without frames, and four on elkskin, all large, and with various Saints; and equally spaced among these, twenty small canvases. The altar-table is of wood, movable, and dressed with what is necessary, even to a platform and rug; with attention to the fact that the frontal is of wood in relief, and painted like the aforesaid niches. The interior view of this chapel is really gay [*alegrita*].

NAVE

In it are two altars; the one on the Gospel side is of the Blood of Christ with large Crucifix in the round, very beautiful, before a canopy of silk, already old, and at the Lord's feet the Sorrowful Mother in the round about a *vara* tall, and dressed; and to one side of this Lady a small-sized Lord St. Joseph, carved. The altar-table is of wood, dressed like the high altar, even to a rug over the platform. The other altar is on the Epistle side, and is [dedicated] to St. John Nepomucene; Father Cuéllar erected it, and through the use of his donation the titular Saint was acquired, which is carved, three *cuartas* tall, in a niche painted with colors in tempera, and six large colored plates spread over the outside, reredos-style. The altar-table is of

wood, dressed like the aforesaid others. The frontal is of painted panel; and the small rug was also paid for from the donation of said Father, together with the Saint and his niche and the plates. The rest belongs to this chapel. This altar has a lower gradine, and on it are a carved St. Anthony of Padua, small, and two Child-Jesus' of varnish-compound. In this chapel is founded a Confraternity with title of the Rosary, and about this as soon as I finish with an account of the SACRISTY.

This sacristy is described as running east from the chapel on the Epistle side, "a little lower than the sanctuary." Therefore the door leading into it is the present one opening to the outside. Then follow long lists of vestments, linens, dresses, sacred vessels, and all things pertaining to the Confraternity. Fr. Domínguez ends with one last word on the latter, namely, that he has had a hard time seeking in vain for papers of canonical erection, as also for those of the Confraternity of the Blessed Sacrament, adding that the matter is pending before the Sacred Curia of Durango.

Other brief early descriptions of this chapel are those of Fr. Morfí in 1782, Antonio José Ortiz in 1797 and 1805, Fr. Pereyro in 1808, and Vicario Fernández in 1826. In the latter part of the century, Fray Agustín Morfí visited the Franciscan Missions of the northern provinces of New Spain, but did not reach New Mexico; hence his information is second-hand. Concerning Santa Fe, he wrote: "In *la Calle Real* and to the East is the parish Church consecrated to *N.P.S. Francisco* and in it is a chapel dedicated to *N.S. del Sagrario* under the protection of *La Conquistadora*."⁵⁵

Don Antonio José Ortiz, a pious old wealthy citizen of Santa Fe, carried on an eight-year correspondence with Bishop Olivares of Durango concerning private chapels for himself and his own restoration of the Parroquia, which had fallen into ruin around 1798. In a letter of January 25, 1805, after telling the Bishop how he had rebuilt and enlarged the Parroquia, the whole body of which had fallen down "six years ago," he mentions having renovated the altar and the

55. Alfred B. Thomas, *Forgotten Frontiers* (University of Oklahoma, 1932), p. 91. *Sagrario*, instead of *Rosario*, is either a mistake of Fr. Morfí or a misreading by the translator, or else whoever was the informant of Fr. Morfí had the Confraternity of the Blessed Sacrament in mind "under the protection" of that of *La Conquistadora*.

sanctuary—and the chapel of *Nuestra Señora del Rosario*.⁵⁶ He is the man who, according to the *Candelaria Noticias*, offered himself as perennial *mayordomo*. A report made by the Custos, Fray Benito Pereyro, in December, 1808, states that annexed to the Parish Church of Santa Fe there are two chapels, one of them in honor of Our Lady of the Rosary, this being *La Conquistadora*.⁵⁷ One of the Vicars General of Durango who now and then were making juridical Visitations to the Church in New Mexico was Don Agustín Fernández San Vicente. He wrote in 1826: "Inside, communicating with the transept, are two large separate chapels, the one on the north side dedicated to *N.S. del Rosario*, called also *La Conquistadora*."⁵⁸

As previously pointed out, here is more than ample testimony for the existence of the "*Conquistadora Chapel*" from the time the post-Reconquest Parroquia was finished, around 1717, through every decade to our own day. By historical association, if not by direct statement, all this also bears witness to the *Conquistadora's* identity, as the self-same statue first mentioned in 1686 and still venerated today, as it has been through so many generations, in the Parroquia of Santa Fe.

One last word on this particular chapel. What we see today attached to the north chancel section of the Lamy Cathedral is only the outer half of the longer structure described by Domínguez, as one can see from old photographs of the exterior taken in the middle of the last century.⁵⁹ Two windows had been opened in the west wall

56. José D. Sena, "The Chapel of Don Antonio José Ortiz," *NEW MEXICO HISTORICAL REVIEW*, XIII, 347-359. I have not yet encountered these letters in the Archives of the Archdiocese.

George Kubler, *The Religious Architecture of New Mexico in the Colonial Period and Since the American Occupation* (Colorado Springs, 1940), p. 22, footnote. Readings by Stallings in 1937 show age of vigas to be 1745 plus or minus and 1851 plus. Cf. Domínguez description of chapel interior.

57. *Sp. Arch.*, I, No. 1191.

58. The original, according to Salpointe, is in the "church records," but I have not seen it in the Archives. *Soldiers of the Cross* (Banning, California, 1898), p. 160. Quoted also by Kubler, *op. cit.*, p. 101, and Twitchell, *Leading Facts of New Mexican History* (Cedar Rapids, 1912), II, 166, footnote.

59. Museum of New Mexico prints reproduced in Prince, *Mission Churches*, and in *The Santa Fe Cathedral* (Santa Fe, 1947), a popular illustrated guide to the Cathedral.

at this latter period. The stone Cathedral, built by Archbishop Lamy around the adobe Parroquia, is much wider, and so its lateral naves, in connecting with the old side chapels, took off their inner sections. The statue of *La Conquistadora* has been restored to her rightful place in her chapel, and little is needed, over and above permission from the authorities, to remodel its altar and sanctuary in the style of the period.

2. The "Rosario Chapel."

Distinct from the "*Conquistadora* Chapel," even in popular terminology, is the lone structure which stands in the Rosario cemetery in the northwest section of Santa Fe. Not many years ago it stood well away from the town limits. It is this particular building, and not the North Chapel of the Parroquia, which has been associated with the latter-day phase of the *Conquistadora* legend—that de Vargas had vowed to build a chapel on that very spot and hold a yearly procession thither. As for this part of the tradition, the *Reconquistador* makes no mention of such a vow; devoted as he was to the Blessed Virgin Mary, filling the pages of his *Journals* with her name on less important occasions, he surely would have recorded such a momentous act on his part, especially since he was *mayordomo* of her Confraternity at the time and had expressed his intention of returning the New Mexicans' Madonna to her former throne. Moreover, no chapel is known to have existed there until the first decade of the last century.

On June 29, 1806, Fray Francisco de Hozio, for many years military chaplain of the *Castrense* and at this time interim pastor of the secularized Santa Fe Parroquia, petitioned the Bishop of Durango for permission to erect a chapel of "Our Lady of the Holy Rosary at the place where the holy Image was placed at the time of the second conquest of this Kingdom. . . ." ⁶⁰ It is well to note here how this Padre speaks of two separate conquests by de Vargas. Most likely Father Hozio was unaware, like the rest of the people

60. AASF. See Note 41.

from whom he learned the tradition, of the two distinct Reconquests of 1692 and 1693. In mentioning a second conquest, he was voicing the popular tradition of two conquests in one and the same year—in fact, in the same month. The first was the triumphant entry into Santa Fe, and the second was the battle that took place some days later after the Tanos refused to evacuate the town and defied the Spaniards.

Here we have a clue as to where the statue of Our Lady of the Conquest, "who was enclosed in a wagon," was kept between December 18 and 31, and where she waited while that other image of hers, the Remedios *painting* on the royal standard, led the troops on the assault. It would be most logical to believe that during the battle the women in the civilian camp, with such men as were not in the battle, unpacked the statue and set it up in a makeshift shrine while they prayed for victory. This would be in line with what Don José D. Sena remembers hearing from his forebears—that, prior to the erection of this chapel, a shrine of cottonwood and juniper branches was erected every year for the Rosario processions and novena of Masses.⁶¹

Exactly when this chapel was begun and completed is not certain. The Bishop of Durango granted the Hozio petition in a letter of July 29, 1806, with permission for an ordinary priest to bless it when finished; he also stated that Mass might be celebrated in it, and the Sacraments of Penance and Holy Eucharist administered, by any secular or religious priest having the ordinary diocesan faculties. "Let the chapel be constructed as directed, Santa Fe, October 6, 1806," reads an annotation to the Bishop's letter by Real Alencaster, Governor of New Mexico.⁶² If begun after this date, or the following spring (as is more likely), the small building was finished by the fall of 1807. On August 31, 1808, Antonio Ortiz, as *Mayordomo* of the 1770 Confraternity, wrote the Governor regarding the general collection of dues during the month of June in Santa Fe and surrounding districts, "for the cult and adornment of the new chapel of *N.S. del Rosario*, who is venerated as *Conquistadora* of

61. "De Vargas Procession," *Santa Fe New Mexican*, June 30, 1933, p. 4, c. 6-7.

62. AASF. See Note 41.

this Province in this Parish Church. . . ."⁶³ "The new chapel" clearly refers to the one in question, while the object that gives it its name of *Rosario* is the statue known as *Conquistadora* in the north chapel of the Parroquia.

The faculties granted by the Bishop in 1806 were renewed by Don Juan Bautista Ladrón de Guevara, Visitor General, when he visited Santa Fe on April 28, 1818. The chapel was likewise examined and approved by the Vicar General of Durango, Don Agustín Fernández San Vicente, on September 7, 1826. On September 22, 1833, Bishop Zubiría, while on visitation, approved and renewed the foregoing grants, provided that the traditional devotion to the Holy Mother was kept up. This last action by the Bishop explains the temporary resurgence of zeal in the 1782 Confraternity book for this period.⁶⁴

The Rosario Chapel faced south, with a porched sacristy extension to the rear on the east side. Without doubt it was built in the native "Santa Fe-Pueblo" style of the times; but in later years, sometime during the American occupation, and before 1913, it had acquired a white lime coating and a brick cornice in the so-called "Territorial" style of the period, as may be seen in an old photograph in Prince's book. This author, who believed that an older chapel had existed there before this one, says that the picture was taken the day before work was started on the new addition in 1914. This latter was done under the supervision of Monsignor Fourchegu, Rector of the Cathedral, who had this much larger addition built directly into the east lateral wall of the old chapel, thus making the latter a sort of transept to the new and longer nave. The whole structure was later fitted with a gabled roof in a nondescript style with a false "Mission" (California) parapet on the newer east façade. But the interior of the 1807 section remains the same, even to the earthen floor and the "secular period" *retablo* against the north wall.

According to Prince, Governor Mariano Martínez, the last Governor sent from Mexico in the brief period that New

63. *Sp. Arch.*, II, No. 2151.

64. AASF. See Note 41.

Mexico was under Mexican rule, planned to have a shaded park around the Rosario chapel, with a tree-lined avenue leading to it from the town, ostensibly to make the annual processions more beautiful. He had trees planted, and a special acequia dug to the area for watering these trees. But rapid changes in politics ended this laudable project. The native Governor who succeeded Martínez was more interested in his own affairs, besides being distracted by rumors of an American invasion, which came soon after to distract the inhabitants still more. "Perhaps before many moons, some public-spirited citizen or patriotic city council . . . may . . . make the dreary waste . . . a place of beauty and joy forever." Prince wrote this in 1913.⁶⁵

CHAPTER IV

FIESTAS AND PROCESSIONS

The Lady festivals mentioned in the earliest *Conquistadora* fragments were four in number, according to Fr. Espínola.⁶⁶ Fr. Diego de Chabarría in 1689 names two of these, the Immaculate Conception (December 8) and the Purification or Candlemas (February 2).⁶⁷ Since it is known that two of the four feasts were celebrated in December, probably the third was that of Our Lady of Guadalupe on December 12. The fourth feast may well have been that held on the first Sunday of October which, since the year 1571, had been designated by Pope St. Pius V as the annual festival of the Holy Rosary. This last is again emphasized as the principal feast of the Confraternity in its 1770 phase. Fr. Domínguez names the patronal feast of St. Francis on October 4, with Vespers and Mass, and the feast of the Holy Rosary, also with Vespers and Mass.⁶⁸ Other Marian feasts were solemnly observed, but not necessarily by the Confraternity as such. The week-day Masses often mentioned in the early fragments were not feasts, properly speaking, but

65. *Op. cit.*, p. 116.

66. *Accounts*, f. 20.

67. *Ibid.*, f. 20v.

68. *Op. cit.*, f. 4125.

regular days in which Masses were offered throughout the year for members of the Confraternity, over and above a stated number offered for each deceased member following his death.

As to Processions, just as a Confraternity revolved around a specific image of its celestial Patron, so each solemn festival was unfailingly observed with a High Mass, Vespers on the eve, and a Procession after the Mass and very often after the Vespers also. But how or when the present so-called "de Vargas Procession" began is impossible to say; by this I mean the procession with the statue from the *Conquistadora* Chapel in the Parroquia to the Rosario Chapel outside the town, and the return procession nine days later. There is no mention of such an observance in any of the old Confraternity sources found so far, nor do Domínguez or Candelaria make any such reference in their descriptions of the solemnities observed on the first Sunday of October. Father Hozio, in his petition for the new chapel, echoes the people's belief that the statue rested at the Rosario site at the time of the armed reconquest of Santa Fe, and so suggests the possibility that the processions to and from the Parroquia were already taking place prior to 1806, the faithful erecting a shrine of boughs every year, as Mr. Sena recalls, which in turn suggested to them the need of a permanent structure. Certain it is that since that time the two processions have been held without interruption, with the novena of Masses at the Rosario chapel prior to the return of the statue to the Parroquia.

The reason for holding this double procession in summer is a mystery, since none of the four seventeenth-century feasts occurred in early summer; in descriptions extant of the 1770 phase of the Confraternity, nothing is said about this matter either; not until 1887, when Father deFouri wrote, do we have a definite statement that the first procession left the Cathedral on the Sunday after the Octave of Corpus Christi, and that the return procession left the Rosario chapel after nine Masses were sung there on consecutive days for a full novena.⁶⁹ However, there is no

69. *Op. cit.*, p. 15.

reason to doubt that these processions had been observed at such a time and in the same manner since the beginning of the last century, either before or after the erection of the Rosario Chapel.

In his newspaper article on the "De Vargas Procession," Mr. Sena describes these processions in days gone by. The first one started from the Cathedral, after Mass in the morning, straight down San Francisco Street, then over to Rosario Street, and to the chapel outside the town. *Descansos*, or shrines of rest, were erected at various stages: the first one at the home of Doña Anamaría Ortiz, where the present St. Francis School now stands (property recently acquired by the La Fonda Hotel); the next stop was in front of the *Castrense*, later the house of Felipito Delgado, and in more modern times the Capital Restaurant and Mayflower Cafe; next the home of Don Gaspar Ortiz y Alarid, the corner now occupied by the Santa Fe Book and Stationery Store; then the house of Felipe Delgado on the side of the present Lensic Theater; after this the procession halted at the home of Doña Guadalupe Miera at the intersection of San Francisco and Rosario; and the last stop, before the Rosario chapel was reached, was at the house of Don Ambrosio Ortiz at the foot of the present Johnson Street. At each shrine the priest incensed the statue and chanted a prayer. Large arches spanned the streets at various intervals, and both sides of the route were lined with evergreens stuck in the ground. The statue was returned just as solemnly by the same route at the end of a full novena which ended on Tuesday, and at six or seven o'clock in the morning. The current practice is to hold the return procession on the following Sunday, both processions being held in the afternoon, although another Mass is sung at the Rosario chapel on the next day. All old photographs of church processions on San Francisco Street and the Plaza show this "de Vargas Procession." The annual Corpus Christi procession always took a different direction, around the block on which the Cathedral, hospital, and Archbishop's residence are now located, until very recent years.

In his article, "The Virgin of the Reconquest," Dr.

Espinosa shows how this double procession and its novena of Masses parallels a similar tradition in Mexico City. There Cortés also conquered with the aid of a "Lady," and he dedicated a chapel in her honor. The Cortés statue was carried every year from the Cathedral of Mexico to that chapel outside the city, and it was said that it grew heavier on the return journey, as if the Lady were reluctant to leave her own little chapel. This last bit of legend was also current in Santa Fe. Because of these exact similarities, and since de Vargas used only these two titles of *Remedios* and *Conquista*, the author concluded that no *Conquistadora* statue existed during the Reconquest of New Mexico (only the royal standard), or that, if it did exist, it acquired the title of *Rosario* in relatively modern times.

But now we know that the devotion of *Nuestra Señora del Rosario La Conquistadora* did exist in New Mexico, long before the de Vargas Reconquests of 1692 and 1693, and continued after the Reconquest, with one interruption and in two separate phases, until the present day. What, then, about the uncanny similarities between the Santa Fe and Mexico City traditions? The only answer is that the Santa Fe devotees, made aware of a similar *Conquistadora* down there, probably at the beginning of the nineteenth century when traffic and interchange of personnel became more common, took over the idea that de Vargas conquered Santa Fe as Cortés had conquered Mexico, adopting the practice of a double procession and a novena of Masses, which in turn inspired the erection of the Rosario chapel in 1807. As we have seen, all the old *Conquistadora* documents extant speak of one chapel only, the north chapel of the Parroquia, and the only major celebrations are the several Marian feasts in fall and winter without any mention of double processions to and from the Parroquia and any other chapel.

Because neither the newly-found *Conquistadora* fragments nor previously-known sources refer directly and uninterruptedly to every phase of the *Conquistadora* problem when taken singly, but rather lend their accumulated force when taken as a whole, my experience in this study

has been exactly like that of a person putting together a large and complicated jig-saw puzzle. Most jagged pieces themselves gave no hint as to what they might ultimately represent, while some larger ones, or sections composed of them, provided a lead for further fitting of other pieces. Finally the general picture emerged, incomplete because many pieces are still missing, but clear enough for one to supply the missing parts and at the same time discard extraneous bits of legend.

My conclusion, then, is that the devotion and Confraternity of *Nuestra Señora del Rosario La Conquistadora* certainly existed in New Mexico in 1656-59, long before the Indian Revolt of 1680, and perhaps had its beginnings sometime after 1630 with the completion of the first permanent Parroquia, and around a statue placed there by Fr. Benavides. The Confraternity, though not the devotion itself, died out between the years 1726 and 1760, and was completely forgotten by 1770 when the people "inaugurated" a Confraternity and festival in honor of *La Conquistadora* as "newly-chosen" Patroness of the Kingdom. The devotion or cult, and the Confraternity in both its phases, revolved around the image still venerated under the same name in *Santa Fe*. This statue was "saved from the fury of the savages" in 1680, continued to be treasured at San Lorenzo during the 1680-1693 exile, and was returned with the colonists "enclosed in a wagon." Her first permanent chapel after the Reconquest, the new throne which de Vargas had resolved to build but which he never saw, was the north chapel of the 1717 Parroquia which continues to serve as a side-chapel to the 1886 Lamy Cathedral.

Unfortunately, the inhabitants of New Mexico had forgotten the true origin of this devotion and its famous image. The loss or destruction of the old Confraternity books in the middle of the eighteenth century, the indifference of the friars when the vigor of their Custody was curtailed at this period by the intrusion of the Diocese of Durango, and the brief emergence of the Confraternity of Our Lady of Light, all these helped to erase this and many other traditions and aspirations from popular memory. A last des-

perate effort to re-capture this heritage, though done blindly, was the 1770 revival of the Confraternity. The later unconscious association of the image with that of the Cortés tradition, dating from the nineteenth century, also shows this inner desire to restore and hold to something great out of the past that was fast fading away, and thus arose the parallel legends of de Vargas' vow regarding a chapel and a procession, to accommodate which the Rosario chapel was built. These nineteenth century accretions need not be decried; on the contrary, they should be encouraged and perpetuated. What each generation, each century, contributes to a popular tradition and custom, especially when the blood coursing through the hearts of the people in each period is the same, is not only legitimate but enriching as well. Yet, the true origin of such an old tradition should not be lost sight of, however much overlaid by these later additions. How much more consoling and exhilarating it is for native New Mexicans to know that this very same charming little image in their midst united their forefathers in expressing their common social, national, and religious aspirations—not merely since the de Vargas Reconquest, as they have believed until now, but also in those sad days of the Indian Revolt and the heavy years of exile, and even as far back as those dim times three full centuries ago when their pioneer forebears were building up the "Kingdom of New Mexico and the *Villa* of the Holy Faith," of both of which *La Conquistadora* was "Patroness and Queen."

CHAPTER V

ENGLISH TRANSLATION OF LA CONQUISTADORA FRAGMENTS*

(a) Inventory, 9 ff., ff. 3-11

f3 I, Captain Alonso del Rio, *Mayordomo*⁷⁰ of the Confraternity of Our Lady *La Conquistadora*, declare that I received everything contained of the valuables and things belonging to said Confraternity from

* Archives of the Archdiocese of Santa Fe, Spanish Period, No. 1.

70. The title and office of *Mayordomo* corresponds to those of the *President* of present day societies and clubs as well as those of the *Commander* of our Veterans' organizations. For this reason the Spanish term is used throughout.

the *Maestre de Campo* Francisco Gómez Robledo, past *Mayordomo* of said Confraternity in the year of Eighty-four; and acknowledging from memoranda and receipts which the Reverend Father Preacher Fray Francisco de Vargas, minister president of the *Real* of San Lorenzo, has presented, that eighty-four pesos of the Confraternity are due him from the said year of Eighty-four when the dues were not sufficient, during the term of said *Mayordomo* Francisco Gómez Robledo, yet in everything else I declare that I received it correctly and legally, without a single thing of value missing. Which ceremony of delivery took place before the Father Preacher Fray Francisco de Vargas, minister president of the Real of San Lorenzo, there being present together the *Alférez* Francisco Lucero de Godoy, Pedro Hidalgo, and the *Alférez* Blas Griego, secretary and deputy of said Confraternity. And that it may so appear for all time, the said Father [and] *Mayordomo* of the year Eighty-four signed it, on the twenty-sixth day of the month of February, of the year Sixteen Hundred and Eighty-five.

Fray Francisco de Vargas	Francisco Gómez Robledo	Alonso del Río
Francisco Mateo Lucero de Godoy		Before me the secretary
Pedro Hidalgo		Blas Griego

f3v In this Real of San Lorenzo, on the Eighth day of the month of October, the year of Eighty-six, our Reverend Father Fray Pedro Gómez, President, Vice-Custos, and Ecclesiastical Judge Ordinary of these Provinces of New Mexico, audited the valuables and clothing of the Queen of the Angels⁷¹ *La Conquistadora*, a Confraternity which is located⁷² in this said *Real*; and having seen and examined all the valuables contained in the past record, his Reverend Paternity found some things unbecoming, thoroughly worn out and old, all of which he declared to be outworn; his Reverend Paternity ordered that from the clothing which could be made use of, for some vestment⁷³ or chasuble, that this be done, or that it be applied to some other object necessary for the adornment of the Queen of the Angels; and likewise if some valuable item or valuables could be exchanged, that this might be done, and the alms applied to other expenses of the Confraternity. Everything being cleared, of what there is today at hand, and might be of becoming use, the following inventory was made:

Images

First of all, the figure of Our Lady *La Conquistadora*, of a *vara* in height, a little more, in the round.

71. This Marian title is distinctly Franciscan, being that of the Mother-Church in Assisi, the *Portiuncula*. Hence the friars, and the people influenced by them, use it frequently when referring to the Virgin.

72. *Fundada*. "Founded" connotes the place of origin. The same expression is used later on at Santa Fe. See *Minutes*, f. 1v.

73. *Ornamento*. A peculiarly Spanish designation for a chasuble, alone or in combination with its stole and manipule.

Furthermore a Holy Christus, in the round, of a *vara* and a half in height; an Infant Jesus in the round, a little more than half a *vara*; three canvases a *vara* and a half high, one of Our Lady of Guadalupe, another of Our Father St. Francis, and the other of St. Anthony; an Infant Jesus, in the round, a thumb-to-forefinger span high;⁷⁴ an image of the *Sagrario*.⁷⁵

Jewels

First of all a small gold pyx;⁷⁶ small stamps of tortoise-shell; four Agnus-Dei of abalone; another reliquary of St. Didacus of gilt copper; a gilt silver rose with five stones; a small filigree cross; (*Marginal note*: It was declared outworn, to be made into a nail⁷⁷ for Our Lady and a little filigree rose); three pairs of ear-rings, one pair of pearls and gold, and the other two of gilt silver with their stones, some green and others red; a little four-string pearl choker with a gold lamb; another of four strings of pearls, two others of brass, one of six strings with a silver cross, and the other of five with its little gold Cross and its tinsel; another little brass choker of three strings mixed with corals; another little choker of nine thick corals and gilt beads; a rosary of corals linked with little silver shells without a cross; another rosary of *peje* fishbone; a silver rose, broken.

Dresses

First of all a dress of white lamé with its gold galoon and small red fringe, lined with blue; a dress of flowered tapestry with scallops of silver and gold lined with red linen; another green dress of satin with silver scallops, lined with blue linen; another brown dress, flowered,

74. *Un xeme de alto*. This might be the tiny Infant with golden shoes which was in the Cathedral Museum. The other Infant of more than half a *vara*, just mentioned, might be the one described as holding a cross in both hands in 1697. (*Inventory*, f. 8.) There is one like it in the Cathedral Museum which is of the period and holds a long tubular cross of silver; naked and anatomically complete, it is tied to an upright stake on its small platform in order to stand erect. The present platform and stake are relatively modern.

75. *Sagrario*: A place to keep sacred vessels, a tabernacle or altar or shrine in which the Eucharist is reserved, in some great cathedrals the chapel which serves as a parish church. The use of the term here is baffling.

76. *Viril*: A glass-faced receptacle shaped like a watch or a modern lady's compact, also applied to such receptacles without any glass. If intended to hold the Sacred Host, or the golden *lunula* holding the Host, for insertion into a monstrance for exposition, it is correctly called a pyx or, with a gold half-moon clip inside for the Host, a *lunula*. The old Spanish word for the monstrance is *custodia*.

But if made to enclose relics, it is properly called a *theca* and, not quite correctly, a reliquary. The reliquary proper is shaped like a monstrance on a smaller scale, and the *theca* inserted into it as the *lunula* is inserted in the monstrance or ostensorium.

An Agnus Dei (literally, Lamb of God) was a piece of wax stamped with the figure of a lamb and blessed by the Pope; this was encased in a *viril* or *theca* for protection, and so it came to be applied also to the *theca* holding relics, especially those of unidentified martyrs of the Roman catacombs.

77. A golden pin inserted into the top of a statue's head to hold a crown secure. The *Conquistadora* statue has a hole on the top of the head, reinforced with a perforated iron clip nailed on top of the hole.

f.4 with gold scallops, lined with red glazed linen; another dress of half lamé with blue flowers on white background, with gold scallops, lined with red glazed linen; two skirts, one of drab camlet, and the other of blue satin; four hoods, one of gold and silk of double knit with scallops of the same, and two of snakeskin, and one of netting; two other white hoods of thread crape, and small kerchief; a black skirt of ribbed silk, lined with blue linen—the blue skirt was declared outworn, and designated to be made into a drape for the cross.⁷⁸

Mantles

First of all a blue satin mantle embroidered with gold and silver in flower-work; another of blue damask with its scallops of gold; another of greenish taffeta with its scallops of gold; two others of white satin, plain; another blue mantle of taffeta with its scallops of gold; another black mantle of silk, Sevilla-style.

Chemises

First of all seven chemises with their ruffs worked in different colors; two others of cambric, plain.

*Trappings for the Palanquin*⁷⁹

First of all the trappings for the palanquin of white satin, embroidered with green; other trappings for the palanquin, black of Castilian baize.

Altar Cloths

First of all a cloth of Rouen linen, worked with blue; another cloth worked with rose; furthermore, three feather-dusters of fine plumes.

*Jewels and Clothing of the Holy Christ*⁸⁰

First of all three bedsheets of Rouen linen with their scallops; a purple coverlet of lamé with flowers, lined with silver-threaded taffeta; another coverlet of white Chinese silk; five silk pillows, two embroidered and glossy with their lace-work; another pillow of Rouen linen worked with orange and blue silk; a pillowslip of yellow glazed linen.

Clothing of the Infant

First of all a rose dress with his cord and crown; two cambric shirts; f.4v (*Marginal note*: There aren't any.) another shirt of metal-twist; another shirt of netting; a dress of white fabric lined with blue taffeta; another dress of red moire [?]; another dress of green satin, with the pants [or hose] of red satin; a banner of white lamé with the cross of blue glass and silver tips; two little dresses of the Infant of St.

78. *Manga*: Some sort of sleeve-like fabric shield put on crosses in those times.

79. *Las andas*: a litter, bier, or platform, for carrying images in procession.

80. This Christ, mentioned in the beginning after the Virgin, seems to have been a representation of the dead Savior in the sepulchre. This kind of figure is listed repeatedly in later inventories and could well be the one still to be seen in the north chapel. Their respective lengths, however, do not quite tally.

Anthony, and three little shirts; a veil of blue taffeta with silver scallops; another of plain blue taffeta; a knitted snake of native thread; a bronze Infant a little less than half a *vara* long;⁸¹ a trunk in which the clothing is kept; another chest, cedar, a *vara* long; another large chest, this chest was condemned because it was broken to pieces. (*Marginal note*: This chest was condemned by order of our Reverend Father Fray Pedro Gómez, Vice-Custos of this Holy Custody.)

All of which entries, just as they are specified in detail, were handed over to the *Mayordomo*, Alonso del Río; so that at all times he be bound to turn things in accordingly as contained in this book, reminding him that if he should enter something better or an addition, he must enter it in all detail at the end of this order—except ribbons or tape, since these are expendable things and can easily be lost; for although it might happen that the members, at the time it is asked of them, will give some ribbons or tape by way of dues, these may be specified at the time of accounting or delivery [of the office] by the *Mayordomo* to whomsoever succeeds him. And thanks are given him for the fine way in which he has worked, and the neatness with which he keeps the Confraternity's property. Thus his Reverend Paternity provided, ordered, and signed on said day, month and year, as above.

Fray Pedro Gómez

Vice-Custos and Ecclesiastical Judge

Before me

Fray José de Espinola

Secretary and Apostolic Notary

Additions which the *Mayordomo* of the Confraternity has made this year of Sixteen Hundred Eighty-seven. First of all, a dress of blue camlet which the *Sargento Mayor* Roque Madrid gave; a silver crown which Francisco Lucero de Godoy gave as dues to the Queen of the Angels when the Captain Alonso del Rio was *Mayordomo*.

This book was audited in which are set down all the things belonging to the devotion and adornment of the Queen of the Angels, *La Conquistadora*, and everything is right and legal according to its entries, all kept with neatness and cleanliness, for all of which thanks are given [to the *Mayordomo*] for the care and support he has shown in everything pertaining to the Confraternity; and likewise for having made some additions which some benefactors have given during his term by way of valuables, such as dresses; and he is charged in the future not to fail in the support of said Confraternity, soliciting the usual dues, marking down clearly who gave them; and that it may

81. The Infant of St. Anthony: there is a St. Anthony of the period in the Cathedral Museum, and the beautiful little Child is removable. But the bronze Infant must have disappeared long ago.

The "snake" mentioned between these two items could have been the banding used to lash the large standing Child to the pedestal. See note 74.

so appear at all times, his Reverend Paternity signed it on the Fourteenth day of the month of April of Sixteen Hundred and Eighty-seven, in this *Real* and *Villa* of San Lorenzo, before me the undersigned notary.

Fray Nicolás López
Custos and Ecclesiastical Judge

Fray Cristóbal Daza
Apostolic Vice-Notary

On the Ninth day of June of Sixteen Hundred and Eighty-eight, Francisco Lucero de Godoy added a dress of white French figured silk, when the *Sargento Mayor* Alonso del Río was *Mayordomo*; furthermore some ear-rings of imitation pearls, and little mirrors, and a small mirror with a lead oval frame. Furthermore, another dress of green French figured silk which Francisco Lucero de Godoy gave for the bronze Infant Jesus. (*Marginal note*: This was given over to St. Michael.)⁸²

This book was audited in which are set down the things and valuables belonging to Our Lady *La Conquistadora*, and it is correct and legal according to its entries [kept] with all neatness and cleanliness, for all of which thanks are given [to the *Mayordomo*] for the care and support he has shown in all that pertains to the Confraternity; and likewise for the additions which have been donated during his time; and he is charged that in the future he may neither fail nor falter in the support of the Confraternity, soliciting the usual dues and setting down with clarity those who give them; and that it may so appear, his Reverence signed it on the Twelfth day of the month of August of Sixteen Hundred and Eighty-eight, in this *Real* of San Lorenzo, before me the undersigned notary.

Fray Pedro Gómez
Vice-Custos and Ecclesiastical Judge

Before me
Fray Antonio de Azevedo
Apostolic Notary

82. One of the *Conquistadora* traditions, nearly forgotten now, is that the statues of the Infant Jesus and of St. Michael went into battle together with that of the Virgin. (Espinosa, "The Virgin of the Reconquest.") And here, strange to say, these two statues are prominently mentioned more than once.

Regarding the San Miguel image, it is worthwhile touching here on a Confraternity of St. Michael which was apparently founded at the time, and for the purpose of collecting money for the project, when the San Miguel chapel was restored in 1710. All that we know of the society is found in a testimony of the expenses incurred, a document which is treated in full by George Kubler in his brochure, *The Rebuilding of San Miguel at Santa Fe in 1710* (Colorado Springs, 1939). Here also is mentioned a statue of St. Michael around which the Confraternity revolved; and it could have been this one of the Rosary Confraternity, for the same tradition treated by Espinosa in his aforementioned article also held that the St. Michael taken into battle was the one later kept in San Miguel chapel. All this makes one suspect that the *Conquistadora* statue, together with the larger Infant and San Miguel, might have gone into battle after all, even though documentary proof of this fact is still lacking.

f.5v I, Fray Diego de Chabarría, certify that the Confraternity of Our Lady of the Rosary spent twenty-four pesos for beeswax, all of which was used up in the festivities of Our Lady, at the expense of her *Mayordomo*, Alonso del Río; because it so appears to me I give this certification today, Wednesday, Second of February of Sixteen Hundred and Eighty-nine.

Fray Diego de Chabarría

(The above entry crossed out with a few oblique strokes. On the margin: It does not count, erased.)

This book was audited in which are set down the things and valuables pertaining to Our Lady, *La Conquistadora*, and it is correct and legal according to its entries, with all neatness and cleanliness, for all of which thanks are given [to the *Mayordomo*] for the care and support he has shown in everything pertaining to the Confraternity; and likewise for the additions which have been donated during his time; and he is charged in the future that he neither fail nor falter in the support of the Confraternity in collecting the dues; and because some things are no longer serviceable for the use to which they were destined, the *Mayordomo* of said Confraternity is ordered that certain skirts of Our Lady, of brown camlet lined with purple glazed linen, be declared outworn, and that some hangings be made from them for the palanquin; and a tinsel crown with gold flowers [be also condemned]; and that some ribbons be made into rosettes for the said Image of Our Lady, also applying to the palanquin some pieces of figured Rouen linen; and that some sandals of the Holy Christ be declared outworn. Thus Our Reverend Father Fray Francisco de Vargas, Preacher and Custos, and Ecclesiastical Judge Ordinary of this Holy Custody of the Conversion of St. Paul of New Mexico, provided and ordered, on the Twenty-third of May of Sixteen Hundred and Eighty-nine, before me the undersigned notary.

Fray Francisco de Vargas

Custos and Ecclesiastical Judge

Before me
Fray Agustín de Colina
Apostolic Notary

When Our Reverend Father Fray Francisco de Vargas, Preacher, Custos, and Ecclesiastical Judge Ordinary of these Provinces and Kingdom of New Mexico, was auditing the book of valuables pertaining to the Confraternity of Our Lady, *La Conquistadora*, in this *Real* of San Lorenzo, his Paternity found not a thing missing, examining its entries in this book; of course, his Paternity ordered the *Mayordomo* of said Confraternity to condemn a black satin skirt and have it made into a drape⁸³ for the cross; likewise, a small cross and a little filigree rose, to make from them a nail for the crown of Our Lady;⁸⁴ and

83. See note 78.

84. See note 77.

f.6 the *Mayordomo* having been charged to give an account before us, together with his deputies, his Very Reverend Paternity examined the records and books in which the members are set down; and said *Mayordomo* being charged concerning the number of the members set down, and what could be seen of the dues, and his expenses of the Confraternity, we noticed that the dues of some of the members were missing; when said *Mayordomo* had presented his receipts, and among them one [point that stood out] is that many of the members of this Kingdom are absent, here he gave us a satisfactory account from his own memory, and declared what he knew at present regarding the dues, which are a hundred and forty-one pesos, paid through the Syndic⁸⁵ to the Father Preacher Fray Jose Espínola Almonacid, minister of said Convent of the *Real* of San Lorenzo, who [the latter two] declared this to be the truth. And at the request of the *Mayordomo* and the members, they petitioned his Reverend Paternity to make a new roster-book of the members; his Paternity realized from said book and petition that the making of a new book was most convenient [for] listing the members who at present are found in this Kingdom, and among these the ones who give and help with their dues each year, so that said *Mayordomo* may give his accounts in the future without anyone, who is approached with care, failing by this procedure towards the utility and welfare of the members, living and deceased, so that Justice is distributive and all partake of the divine suffrages; and because his Very Reverend Paternity recognized the labor, solicitude, and effort with which said *Mayordomo* and deputies of said Confraternity work to increase it, we give thanks for the job well done as they promise us to try hard in the future not to fail this order, both those who are at present [officers] and those who may be in the future. Thus his Reverend Paternity provided, ordered, and signed it on the Fourteenth of May of Sixteen Hundred and Ninety-one, before me the undersigned secretary and Apostolic Notary—and likewise his Reverend Paternity ordered that the old book be preserved, and he signed it on said day, month and year, as above.

Fray Francisco de Vargas

Custos and Ecclesiastical Judge

Before

Fray Antonio Guerra

Secretary and Apostolic Notary

On the Thirtieth day of the Month of November of Sixteen Hundred and Ninety-one, the *Alférez* Francisco Lucero de Godoy gave as dues⁸⁶ a dress for the most holy Virgin of Chinese figured silk, or figured satin which is mostly red, with its [illegible] of the

85. *Sindico*: The layman who handled the Franciscans' finances.

86. *Limosna*: Alms, literally; then carried over to mean the dues required periodically of the members. Many times it is difficult or even impossible to distinguish the dues from some extra free donation.

f.6v same material, the *Sargento Mayor* Francisco Anaya Almazán being *Mayordomo*. Furthermore, a tunic of white embroidered gauze which a member, named Juana de Alemán, gave as dues.

On his juridical Visit, Our Reverend Father Fray Joaquín de Hinojosa, Preacher, Vice-Custos, and Ecclesiastical Judge Ordinary of these Provinces and Kingdom of New Mexico, examined this book in which are entered the valuables of the Confraternity: and having seen that there are some things which, according to what has been decreed by the Holy Office, must not be put on Images, but rather that from the hoods and chemises some tabernacle veils⁸⁷ may be made, and that [material] from the dresses of the Infant Jesus be applied to other things of his cult; and the beads, pearls, and jewels can be given as well-applied to the shrine of the Most Blessed Sacrament, the ownership of all this always remaining with the Confraternity of Our Lady *La Conquistadora*. The hat was declared outworn; and let some rosettes be made from the plumes. And the Infant Jesus' green dress of figured satin was turned over to the image of St. Michael. And inasmuch as the *Mayordomo* and deputies of this Confraternity claimed ownership of a silver lamp which was in the Convent of Socorro, it was given to them because it belongs to the Confraternity, together with a silver vase without base—there being until now no other [claim] to the contrary. And a silver diadem was given to them in lieu of a silver crown which, they say, was lost and belongs to the Confraternity. And for better government of said Confraternity, and so that those who are remiss in their dues may not think that they participate in the suffrages without helping the Confraternity as they ought—his Reverend Paternity decreed that, when one or some of the members are remiss for three or four years successively, the *Mayordomo* must request the Father Guardian of this Convent of the Real to admonish them publicly; and if they do not amend, they will be erased from the roster of the book and may not participate in the usual suffrages; and he will request the same of the Fathers Minister of the rest of the Convents of this Kingdom. And regarding the dues in arrears: the absent representatives⁸⁸ will be approached for their dues, and those dues which should be acquired from former years must always be noted down as such; so that in the Visitation everything is patent. And the old book, which is not in a decent condition, will be burned, after the [names of] the members have been transferred. And as to the present *Mayordomo*, the *Sargento Mayor* Cristóbal Tapia, and Deputies, many and repeated thanks are given him for the additions made and the punctuality with which he has worked; we charge him anew that he continue in his faithfulness, which the Queen of the Angels, Our Lady, will reward for the services

87. *Palias*: Altar-cloths, if made of linen. Tabernacle-veils, if made of any other material, and covered with embroidery.

88. *Podatarios*: Those who have power of attorney. How these absent individuals will be reached is not clear.

in behalf of her devotion. Thus his Reverend Paternity provided, ordered, and signed on the First of September of this year of Sixteen Hundred and Ninety-two, before me the undersigned Secretary and Apostolic Notary.

Fray Joaquín de Hinojosa
Ecclesiastical Judge

Before me
Fray Agustín de Colina
Secretary and Apostolic Notary

f.7 A silver lamp which was brought out of New Mexico [and] which was kept at the Convent of Socorro and was returned to the Confraternity because it was its property.⁸⁹ Furthermore, a silver diadem which belonged to the Convent of el Paso, and was exchanged for a silver crown which belonged to this Confraternity.

The *Maestre de Campo* and Lieutenant General, Luis Granillo, *Mayordomo* of the Confraternity of Our Lady of the Rosary, Juan del Río, Francisco Jurado, Juan Pacheco, and Cristóbal Jaramillo, deputies, and Pedro Hidalgo, secretary, declare and certify that we received all the valuables accordingly as are contained in the record of this book, except: what the preceding *auto* of our Reverend Father Vice-Custos, Fray Joaquín de Hinojosa, declared as outworn in the Visitation, and that it may so appear we signed it, of those who know how to sign, on the Twenty-third of the Month of May of Sixteen Hundred and Ninety-three.

Luis Granillo
Juan Pacheco
Juan del Río
Pedro Hidalgo
Secretary

Additions which the Lieutenant General of this Kingdom, Luis Granillo, has made from the years Ninety-two and three, until that of Ninety-five, during which there was elected as *Mayordomo* the Lord Governor and Captain-General Don Diego de Vargas Zapata Luján Ponce de León, and as his assistant *Mayordomo*, the aforesaid Lieutenant General, Luis Granillo.

First of all a vestment of Chinese damask, yellow and white, which consists of a chasuble, stole, maniple, frontal, chalice pall, and burse for corporals; said vestment proceeding from some East Indian goods which the Lord Governor gave as dues. (*Marginal notes:* Further, three pesos were spent in providing said vestment. Further, six *varas* of thin sash that serve the Lady, which are worth three f.7v pesos.—A large box with its lock and a small box inside.) Further, six brass candlesticks; a tin-sheet lantern, large, and [with]

89. One reference which points to the existence of the Confraternity before the Indian revolt.

glass windows; an iron rod two *varas* long for Our Lady's curtain; a large canopy of double taffeta, red and yellow, which serves as a throne-canopy which the Lord Governor gave as dues. Furthermore he left sixteen wax candles.

Additions of the year 95

First of all, two silver candlesticks which the Lord Governor, *Mayordomo* of the Confraternity, gave. A dress of blue, flowered silk brocade lined with red taffeta; four *varas* and a half of red silk ribbon two fingers wide, all for said dress; a camlet chemise with lace; a seat-covering [?] of silk, white, green, and yellow.

I, Captain Antonio Montoya, assistant *Mayordomo*, declare, together with the deputies and secretary, that I received of the Lieutenant General Luis Granillo all the valuables accordingly as they are set down in this book, and that it may so appear we signed it on the Fifteenth of April of this Year of Sixteen Hundred and Ninety-three.

Antonio de Montoya
Luis Martiñ
Sebastián Gonzales

Before me
Antonio Lucero de Godoy
Secretary of said Confraternity

f.8 I, the Captain Don Alonso, declare that, as assistant *Mayordomo* of the Mother of God, I received from the Captain, Antonio Montoya, the following valuables:

First of all, Our Lady *La Conquistadora* with dress, mantle,⁹¹ silver crown, an Agnus-Dei, a theca, and a Rosary; furthermore, the Child Jesus with a Cross in its hands and a silvered band and base;⁹² another Child of bronze; a "Jesus the Nazarene" on canvas; Our Lady of the *Sagrario* on canvas; Our Lady of Solitude on canvas; Our Lady of *Remedios* painted on elkskin; Our Lady of the Rosary on the guidon;⁹³ another Child Jesus of wood; a silver lamp; a glass lantern;

91. *Ornamento* is used here, perhaps because it looked like a chasuble to this layman's eye.

92. *Supeana*: (Latin: *supedaneum*.) The platform before an altar, or a platform-like pedestal for a statue. This one is mentioned in connection with a silvered band of the Child Jesus, which is significant. See notes 74 and 81.

93. Three of these Madonna paintings are intriguing: 1) Our Lady of the *Sagrario*, because of its puzzling name; 2) Our Lady of *Remedios* on elkskin, because it brings to mind a large charming painting of the Virgin with a giant Rosary and the legend: *Ymagen Milagrosa de Nuestra Señora de Begoña, 1608*. It is in the Galisteo church, a successor of the post-Reconquest Galisteo Mission of Our Lady of *Remedios*; 3) Our Lady of the Rosary on the *guidon* or banner. See note 40. Perhaps, too, Aguilar, a layman and a soldier, switched the names around, so that the Lady on the *guidon* is *Remedios* and the one on elkskin is mistakenly called "the Rosary." This bears looking into because Antonio José Ortiz' home-chapel in Santa Fe was used as parish church while he was rebuilding and enlarging the Parroquia after 1798, and his immediate descendants had much to do with the Galisteo churches.

f.8v Furthermore, six candlesticks, four small and two large; eleven bronze candlesticks (*Marginal note*: The small ones belong to the church, and only two to the Confraternity); eight dresses which with the one the Virgin has on, are nine. Likewise I received all the clothing that belongs to the most holy Virgin, and that it may so appear I sign it with the deputies on the Third of February of the Year of 1697.

Alfonso Rael de Aguilar
 Antonio Montoya
 At the request of Sebastián
 Gonzáles
 José de Contreras
 At the request of Luis Martín
 José de Contreras

f.9 I, Sebastián Gonzáles, assistant *Mayordomo*, declare that I received on the Third Day of March of 1698, from the hand of the Captain Don Alonso Rael de Aguilar, the following valuables which are the property of the Confraternity of Our Lady of the Rosary.

The Lord Governor and Captain-General Don Pedro Rodríguez de Cubero⁹⁴ gave as an addition the following: an imperial gold-plated silver crown, inlaid and garnished with stones. Further, a dress of red brocade with its blue mantle of the same.

The Lord General Don Diego de Vargas gave a blue figured-silk dress and white mantle; and a white frontal of gold-lace, and a chasuble of the same.

The *Mayordomo*, Sebastián Gonzales, added some altar-cloths, a tabernacle-veil figured with silk, and twelve candlesticks.

Auto of Visitation. In the Villa of Santa Fe, on May Thirtieth of Seventeen Hundred and Two, Our Reverend Father Fray Antonio Guerra, Preacher, Custos of the Holy Custody of the Conversion of St. Paul, and Ecclesiastical Judge Ordinary by Apostolic Authority of this Kingdom and Provinces of New Mexico, etc., in making his juridical Visitation, his Reverend Paternity ordered Sebastián Gonzales Bernal, assistant *Mayordomo*, to appear in order to give the accounts of the dues which the Confraternity of Our Lady *La Conquistadora* has received. Who appeared before his Reverend Paternity with the books of said Confraternity and, when his entries had been examined, it was discovered that nine years⁹⁵ had passed without the accounts being kept, for which reason they were full of confusion and almost impossible to adjust. Wherefore his Reverend Paternity ordered that henceforth the *Mayordomo* must make a book in which he shall set

94. Cubero, de Vargas' successor as Governor, also took over as *Mayordomo* of the Confraternity. Could it be that the *Reconquistador*, mentioned right after, sent his gift from his jail-cell in Santa Fe?

95. Since 1698, the year of the Reconquest and the return of the colonists.

down with all clarity and exactness whatever he should receive as dues, and their distribution and expenditure.

f.9v And every four months he must come with said book to this Convent of said Villa and, together with the Father Guardian of it (to whom his Reverend Paternity grants his authority for this purpose) let the accounts be adjusted, and signed by both, so that at the end of the year, when the election of the *Mayordomo* is held, they may be made public to the members, and it may be seen how their dues have been employed in the Masses, feasts, and functions of Our Lady, and in some additions; and this will serve them as a solace, and the faithful will be encouraged to have themselves inscribed in this holy brotherhood; and likewise with this diligence the Prelate on his Visitation will have less work to go through; and should he discover some omission on the part of the *Mayordomo* and deputies, they shall be debarred from exercising said offices; and those who should work faithfully the Divine Majesty of God our Lord will reward them with spiritual gifts, favoring them as servants of the Queen of the Angels. Thus his Reverend Paternity provided, ordered, and signed on said day, month and year, as above, before me the undersigned notary.

Fray Antonio Guerra
Custos and Ecclesiastical Judge
Before me
Fray Miguel Muñiz
Apostolic Notary

f.10 In the Villa of Santa Fe, on the First Day of the Month of May of Seventeen Hundred and Four, I, the Captain Juan Páez Hurtado,⁹⁶ Lieutenant General and Captain-General of this Kingdom of New Mexico, as *Mayordomo* of the Confraternity of Our Lady *La Conquistadora*, received from Sebastián Gonzales all the valuables belonging to the Confraternity, the tenor of which is as follows:

First of all, a new red dress of silk with gold flowers, embellished with a fine French galoon matching the flowers of the silk fabric, with a mantle of gold-flowered blue silk with the same embellishment; another dress of blue gold-flowered Florentine silk, much worn out, without mantle; another dress of Florentine silk with red, green, and blue flowers, worn-out, and without mantle; another dress of white lamé, old, with a mantle of white gold-flowered silk embellished with an imitation gold galloon a finger wide; another dress of brown silk with white flowers, embellished with imitation buttons which serve as a border, old, and without mantle; another white dress of old tapestry embellished with gold-point lace, without mantle; another dress of f.10 green tapestry without embellishment and mantle, much worn out; another dress of blue camlet with old blue embroidered man-

96. He succeeded de Vargas as acting Governor in April, 1704; on May 1 he took over as *Mayordomo* of the Confraternity—and three days later he entered his petition to marry Doña Teodora García de la Riva. Years later, both came to rest in the *Conquistadora* chapel.

tle; a gilt silver crown with 25 imitation stones, green, blue, and red, with its surmounting cross; another old, plain, silver crown; some altar-cloths of Rouen linen five *varas* long; three bedsheets, two of Morlaix linen and one of Rouen, with Lorraine lace; a quilt of purple Chinese lamé, embellished with a wide lace of native thread, lined with greenish taffeta; a cushion of black plain taffeta and another of said taffeta; a corpse-kerchief⁹⁷ of Brittany linen with fine point lace; an old gilt Agnus-Dei of silver with relics of different saints; a little gold deer [?] with an uneven pearl; a gilt silver rose with five stones, and the said stones imitation, white, blue, and green; some Chamberg-style earrings of gilt silver filigree with two blue imitation stones and two crystal globules, and each ear-ring with two pendants of four fine pearls each; some other ear-rings of gilt silver filigree, each with a crystal amulet; a gold reliquary inlaid with blue, with four little pillars at f.11 the corners; a coral rosary with seven mysteries on a silver chain; another rosary of mermaid-bone [sea-cow] with seven mysteries⁹⁸; three dresses for the Child,⁹⁹ one purple, another red, and another white, all old; all of which aforesaid valuables I have received, as has been said, and that it may so appear, I signed it on said day as above.

Juan Páez Hurtado

Likewise, a tabernacle-veil of green puffed [?] silk moire [?] which the wife of the negro drummer¹⁰⁰ gave to Our Lady *La Conquistadora*; a skirt of green camlet which Micaela de Velasco gave to Our Lady, and which is worn beneath the dress.

[F. 11v is blank.]

(b) Accounts, I f., f.20

f.20 I, Fray Francisco de Vargas, state that I have received from the *Mayordomo*, Alonso del Río, as well as from the deputies, the dues consisting of one hundred and three pesos and four *tomines*, on the account of the Confraternity of Our Lady *La Conquistadora*, which dues are applied in the Holy Sacrifice of the Mass for the benefit of the souls of the members of the Confraternity, both living and dead: espe-

97. See note 80.

98. A mystery, also called a "decade," consists of one *Paternoster* and ten *Avemarias*. The common "Dominican" rosary is composed of five mysteries, on which are prayed the three sets of Joyful, Sorrowful, and Glorious Mysteries (or incidents) in the life of Christ and His Mother. But this twice-mentioned rosary has seven decades or mysteries, and therefore is the Franciscan Rosary composed of one set of Seven Joyous Mysteries only. Very likely this was the one prayed exclusively by the New Mexicans in those days.

99. This seems to be the Child of the *Conquistadora*.

100. Sebastián Rodríguez, drummer, widower of Isabel Olguín, and son of Manuel Rodríguez and María Fernández, both Negroes of Luanda, in Guinea, married Juana de la Cruz, *coyota*, of unknown parents, May 12, 1697. In 1707 he deeded some land in Santa Fe south of the river to Micaela de Velasco, the donor mentioned in the same paragraph.

cially the said dues which said Alonso del Río finished collecting, which was to pay eighty-four pesos which the Confraternity owed in the time of the preceding *Mayordomo*, Francisco Gómez Robledo, who found the alms insufficient because the members were in dire need and not all could give, and so the present *Mayordomo*, having carried out his duties punctually, finished collecting said dues, and without owing me anything since the time that he has had the Confraternity under his care. Moreover, I do know from experience that he does it with charity, zeal, and solicitude, along with the deputies who accompany him, each one of whom takes pains to excel in the service of the Most Serene Queen of Heaven, Most Holy Mary. And that this my receipt will always so appear, I signed it on the Eighth day¹⁰¹ of the Month of May, Sixteen Hundred and Eighty-five.

Fray Francisco de Vargas

I, Fray José de Espínola, Father and minister president of this *Real* of San Lorenzo, state that I have received from Captain Alonso del Río, *Mayordomo* of the Confraternity of the Queen of the Angels, *La Conquistadora*, one hundred and sixty-three pesos since the Seventh of June for the Masses of the members living and deceased, and likewise of the four festivities of the Queen of the Angels, and so that this may so appear at all times, I gave this along with a receipt in duplicate of the Reverend Father Fray Juan Muñoz of the time when he said the f.20v Masses, and in confirmation I signed it on the Second day of the month of February of this current year of Eighty-six.

Fray José de Espínola

I, Fray Diego de Chabarría, Preacher and Father Minister president of this *Real* of San Lorenzo, state that I have received from Captain Alonso del Río,¹⁰² *Mayordomo* of the Confraternity of Our Lady of the Rosary *La Conquistadora*, eighty pesos since the Thirteenth of October for Masses for members of the Confraternity, living and deceased, as well as for two feasts which were celebrated in honor of Our Lady, the one of the Conception, the other of the Purification, and that this may so appear at all time I gave a receipt on the Second day of the month of February of Eighty-nine.

Fray Diego de Chabarría

(c) Accounts, "Cuaderno Segundo," 1 f.

f.1 Second Volume in twenty-two leaves.

101. A hole was already punched in the paper when Fr. de Vargas wrote on it, so that the word *días* in the next line curves down to avoid it. Four years after, Fr. Chabarría wrote the last three letters of *Rosario* on the punched flap adhering to the reverse side of the sheet.

102. Captain Alonso del Río lost everything in the Pueblo Revolt. He did not return to New Mexico in 1693, but remained stationed at the el Paso presidio, and was considered an "old-timer" there in 1709. Undoubtedly he was one of the members who kept sending up their dues to Santa Fe long after the Reconquest.

1689

Book in which are set down the dues which the Confraternity of Our Lady *La Conquistadora* has in receipt: this book is made up of twenty leaves; this book begins today, Fourteenth of June of Sixteen Hundred and Eighty-six.

Receipt of the Dues of the Confraternity

First of all, the Lord Governor and Captain-General Don Domingo de Jironza¹⁰³ gave as dues three wax candles worth three pesos; our Very Reverend Father Custos, Fray Francisco de Vargas, gave some socks worth one peso; the General gave two pesos' worth of soap; Diego Arias one peso's worth of soap; the *Sargento Mayor* Francisco de Anaya, *Mayordomo* of the Queen of the Angels, gave as dues, for himself and his wife, two pairs of socks worth two pesos; Doña Jacinta de Quirós some understockings worth one peso; Inez de Tapia gave as dues one peso's worth of soap; Josefa Barba gave one peso's worth of soap; Francisco Romero de Pedraza gave as dues for himself and for his wife one *campeche* [wood, honey, wax?] worth four pesos, two for this year and two for last year; the Captain Pedro de Sedillo gave as dues a sheep worth one peso; Cristóbal Tapia some understockings worth one peso; Juana de Valencia, his wife, gave some socks worth one peso; Pablo "*el viejo*" four chickens worth one peso; Doña Lucía Barela de Losada gave as dues two yards of red ribbon; Angelina paid f.1v two pairs of fine socks worth four pesos; the Adjutant Antonio Lucero paid some bracelets of black bead-work and synthetic pearls worth two pesos, for himself and for his wife; Pedro de Leyba for himself and for his wife paid, from the dues, some white woolen socks and some black and white understockings, [what a woolly guy?]; they are worth two pesos; the Father Commissary, Fray Juan Muñoz, paid as his dues a wax candle worth one peso; our Father Fray Diego de Mendoza paid his dues with one wax candle worth one peso; Juan Olguín paid his dues with four chickens worth one peso; Francisco Frésquez paid his dues for himself and for his wife with one sheep and one ewe a year old, each head worth one peso, they are two pesos; Mateo Lucas, Governor of Ysleta¹⁰⁴ paid his dues with a year-old sheep, value of one peso; the Father Fray Antonio de Azevedo paid his dues with a wax candle, value of one peso; Ambrosio Frésquez paid his dues with some small shoes valued at two pesos, for himself and for his wife; Juan García paid, for himself and for his wife, his dues for this present year and the past year of Eighty-eight, two *varas* of Brittany linen, value of four pesos; Diego de Luna paid his dues with a pound of chocolate worth two pesos, for himself and for his wife—

103. Don Domingo Jironza de Cruzate. Neither he nor his immediate predecessors were *Mayordomos*, which makes one suspect that de Vargas had himself elected to this pious office.

104. Not the New Mexico Pueblo, but one of the 1680 settlements in the el Paso district.

(d) Accounts, 4 ff., f.1-f.4

f.1 I paid the Reverend Father Fray Lucas de Arévalo 6 pesos' worth on account of the Monday Masses, with a spade; further I paid the Reverend Father Fray Juan Mingues 4 pesos for the Masses of the Captain Juan de Dios Lucero de Godoy; further, the Reverend Father Fray Lucas took two buckskins for the Monday Masses of the Confraternity, and a sheaf of tobacco; received from Fray Lucas 6 pesos; received from Captain Montoya of Bernalillo three sheep, and three from Juan Gonzales. which the Father Guardian received; received for the dues of the members of Our Lady in El Paso 13 pesos through Antonio Tafoya; on August 13 I received from the deputies of the Most Illustrious Confraternity of Our Lady of the Rosary thirty pesos which they collected on said day; likewise I received a wax candle worth one peso; likewise I received two pesos' value in some shoes; likewise I received four sheep; on September 4 I received from the deputy, Diego Marquez, four pesos; on said day I received from Captain Vargas¹⁰⁵ four pesos; further, three pesos from "la Mosonga" and from Bartolo "the little chanter"; on September 4 I received two pesos; on September 10 I received five pesos; on the 11th, three pesos; on the 15th I received two pesos from Juan de León; on the 24th I received four pesos; on the 26th I received two pesos; on October 2, I received two f1v pesos; on the 18th I received two pesos; on the 22nd I received two pesos; on the 28th I received from Captain Roybal¹⁰⁶ three thin elkskins and a thick one, two bison hides, two pairs of shoes, and a peso's worth; on the 29th I received two pesos; further I received 4 pesos from Captain Diego Montoya; on November 3 I received two pesos; on December 9 I received some shoes; on the same day, a buckskin; on the 12th of said [month] some shoes; on the 13th I received eleven bushels of wheat from La Cañada; likewise I received six pesos from a bushel of horse-beans and peas which my *compadre*, the Barber,¹⁰⁷ received and which he will make good at the Palace; further, two pesos from Antonia de Manzanares; I further received two bushels of wheat from Nicolás Griego for the widow Archuleta which I took from the freight of my cart. [*This entry crossed out.*] On January 22

105. Not the Governor, of course. There were people of this name living in New Mexico before and after the Reconquest. Capt. Sebastián Vargas and Maria de Leyba, his wife, were marriage witnesses in Santa Fé, August 13, 1730.

Juana de la Cruz, "alias Mosonga," died May 9, 1727, the wife of Juan de Ledesma.

106. Ignacio de Roybal y Torrado was born near Santiago de Compostela, in Galicia, joined the Reconquest army as a 21-year old soldier, and married Francisca Gómez Robledo six weeks after the battle for Santa Fe. He received a large grant near San Ildefonso and by 1696 was the officer in charge of that military jurisdiction. One of his many sons, Santiago, became the first native priest in New Mexico, a secular, who later became Vicar General and was closely connected with the Confraternity of Our Lady of Light. Other children and grandchildren appear in the Rosario Confraternity records in both its phases.

107. Antonio Durán de Armijo, native of Zacatecas, "*de oficio barbero*," married María de Quirós in 1695. He was still called "*el Maestro Barbero*" when he died, June 22, 1753.

I received two pesos; on February 3 I received three pesos; on March 28 of 1714 I received four pesos; further, I received a small Apache girl¹⁰⁸ whom I sold for 67 pesos to pay the Reverend Father Guardian for the Masses and fiestas of the Confraternity; likewise I received last year of 1713, from the dues of the soldier-members, sixty-five pesos, which I paid to the Lord Governor in the amount of a hundred and twenty-two, in that the *Marqués* de la Peñuela¹⁰⁹ left it as a loan the time that he was *Mayordomo*; likewise I received this year of 1714 f.2 from the dues of the soldier-members, with some that were entered anew, a hundred and six pesos, and from them I paid the Lord Governor fifty-seven, with which I finished paying the hundred and twenty-two of the *Marqués*, and the Confraternity existing in the *Palacio* has forty-nine pesos today, March 17, 1714; further, I received eleven pesos in soap from el Paso; further, two candles at 6 a pound; further I received six sheep from Albuquerque; further, I received from Baltasar Trujillo, from the dues of el Paso, fifteen pesos of monkscloth which I made good [sold?] at the Palace; further I made good eleven pesos at the Palace, and six which my wife took in a pair of shoes and a yard of linen, which amount to 32 with the above entry; further, I received from the Reverend Father Guardian, Fray Antonio Carmago, eight pesos' value in four sheep from the dues of Albuquerque; I gave to the Reverend Father Fray José Guerrero eleven pesos' worth of Brittany linen from the dues of el Paso; I received a peso's worth of soap; I received thirty-two pesos from the dues of Our Lady, from those who are at the Palace; I received from the members of San Buenaventura¹¹⁰ nine head of cattle, which I have let go for fourteen

108. The enslavement and sale of one's fellowman is repugnant to us who are the inheritors of a painfully slow social development. But Christianity as a whole, composed of human beings with clouded minds, has taken centuries to realize the import of cardinal principles left by its Founder. For example, not many decades ago men in civilized countries were jailed for debt, and it is only in our time that men began to realize the basic Christian justice of a living wage, which many still refuse to see.

At this period other nationalities and the strictest Protestant sects accepted and practiced slavery as a matter of course. But the Spaniards, as in this case, made slaves from wild tribes only, and with this marked difference from, say, the English practice. The slaves were treated as minor members of the family and instructed in the Faith, with prospects of freedom as soon as they were civilized. They could marry, and their children were born free according to law. As an example, there is the case of Regina Roybal, a nomadic Indian captive who was given her master's family name. In 1752 a Frenchman by the name of Juan Miñón (Mignon) asked for her hand and they were married. Since their children left no male issue, the name has not survived. The case of the Negro drummer (see note 100) is another instance of the eventual adoption into the community of the savage or his children through this then necessary process of servitude.

109. Don José Chacón Medina Salazar y Villaseñor, the Governor who on September 16, 1712, issued an edict for a perpetual celebration with a Fiesta of the 1692 Conquest. Evidently he took over the presidency of the Confraternity together with the Governorship.

110. Mission San Buenaventura de Cochití, under whose spiritual administration were the Spanish settlement of La Cañada de Cochití and some of the "*ranchos de la Peña Blanca*."

pesos, besides another beef from San Buenaventura which the friar killed on the way. As for the rest, my *compadre* Juan García knows who owes them; further, I received from Miguel de la Cruz four pesos—

f.2v On the 1st of February of 1715 I received the dues of La Cañada,¹¹¹ three bushels of wheat; eight sacks and a half of maize; some cotton-thread understockings worth 3 pesos, and two pairs of gloves; two pesos' worth of little tomatoes—which I took, and owe the Confraternity; I received forty-one pesos on March 17, 1715, of the dues of the *Villa*; I received four pesos from Rosa Jirón; I received from Salvador de Archuleta three pesos' worth of soap, and from Tomás Núñez four pesos' worth of soap, and two sheaves and a half of tobacco; I received four pesos of the dues from the widow [?] of "el Xeco" [?] and his mother-in-law; I received two pesos' worth of little tomatoes from Andrés de Archuleta [crossed out]; I received ten pesos from my *compadre* the Barber in soap and tobacco; I received a sheaf of tobacco from Mateo Trujillo; I received another from Montes de Oca; I received three pesos from Antonio Montoya, Jr.; I received as the dues of el Paso forty-one pesos in wax at four pesos a pound; on the 1st of May of 1715 I received four pesos' worth of soap; further, 3 pesos from Juan de Rivera of Pojoaque; I received from Captain Juan Gonzales of the dues from the Río Abajo three sheep and a ewe, three small buckskins at a peso each, the two, and one at two pesos, four pairs of stockings, and one of gloves; I received seventeen pesos of dues from La Villanueva in elkskins and pieces of cloth;

f.3 Further, I received from the dues of Bernalillo two pairs of gloves worth 2 pesos; likewise, I have to charge about five hundred and fifty pesos from last year of 1715 and 1716, including in said dues 100 pesos from an Apache woman who was ruffled,¹¹² for their having given her to Our Lady, and regarding these I have written to Mexico inquiring about a side-altar [or reredos ?] for the greater adornment of the Lady; likewise, I received from the Father Fray Miguel Muñoz, deputy from the Río Abajo, six pesos of the Confraternity; I received four pesos from the dues of La Cañada; on June 6 I received eight pesos from the dues of the members of Albuquerque; on the 8th I received four pesos' value in a canopy and some shoes from the dues of Albuquerque; I received five sheep from the dues of Albuquerque and Bernalillo; I received two pesos from Salvador de Archuleta; I received from the Father Fray Miguel a buckskin, and some gloves from the dues of Bernalillo; I received a sheep from the Father Fray Miguel; I received 28 pesos' worth from 7 bushels of wheat from La Cañada; I received 16 pesos' worth in four bushels of wheat from La Cañada; I

111. *La Villanueva de la Cañada de la Santa Cruz*, re-settled by de Vargas as a "new Villa" with the families of "*Espanoles Mexicanos*" sent up by the Viceroy in 1693.

112. See note 108.

received a string of chile worth 2 pesos; I received four pesos from Bernardo de Sena; likewise, I received seventy-five pesos from the dues of el Paso through Baltasar Trujillo; likewise eleven pesos more from the dues of La Cañada.

On the Third day of the Month of October of Seventeen Hundred and Seventeen, I, Bernardo de Sena, went in as *Mayordomo* of the Confraternity of Our Lady of the Rosary, and have received the following— I received from the Deputy of La Cañada, Tomás Núñez, sixty-four pesos which were collected from the brethren of Our Lady in wheat and chile; on the 10th of October I went out with the deputies to collect the dues in this *Villa* of Santa Fe, and a hundred and seventeen pesos were collected; I collected twenty pesos more in this *Villa*; I received from the deputy of el Paso, the sergeant Cristóbal Trujillo, seventeen pesos in wax for the use of the Confraternity; further, two pesos which they paid in two *varas* of Toledo cloth; I received seven pesos in monkscloth, which I gave to the Father Guardian; all receipts accounted for, they amounted to five hundred eleven pesos. Further I received from the Captain Juan Gonzales forty sheep which Our Lady has in the year 1718; further, 10 more old sheep in said year.

Beginning in the year 1719, I, the said *Mayordomo*, received the following: On October 19 of last year, 1718, I received from the deputy of La Cañada, Tomás Núñez, 120 pesos in wheat and chile; I collected and received in the *Villa* of Santa Fé sixty-nine pesos; I received at the Palace in account of the soldier-gentlemen 75 pesos in 25 pounds of beeswax; I further collected eight pesos more in four strings of chile; further, three pesos' worth of ribbon which I received, which was used up to make roses for Our Lady.

Further, three pesos which I gave to the Reverend Father Guardian; another four which I received and spent on paper to make a book [of accounts] for Our Lady; I received seven pesos in wax from the deputy of el Paso, Cristóbal Trujillo; I received from the deputy of the Río Abajo, on the 17th day of May, 1719, 40 pesos' value in rams and stockings and goats. Further I received 2 pesos' worth in eggs; I received at the Palace the hundred and thirty-eight pesos which the canopy cost; I collected in the *Villa* of Santa Fé nineteen pesos in wax; I received another sixteen pesos which I collected in said *Villa*; I received in said *Villa* a hundred and three pesos which I collected from the members of said *Villa*; I received seven pesos from the deputy Juan Gonzales; I received in account of the Lord Governor, Don Antonio Valverde,¹¹³ in La Cañada, a hundred and six pesos; I collected fifty-two pesos in the *Villa* which I turned over to the Lord Governor; I turned over to the Lord Governor sixty-four pesos which I made from the old sheep and the wool which I received; I received in this *Villa* three bushels of wheat which I turned over to José Antonio Fernández on the account of the Lord Governor, and one was left; I received eight

113. Antonio Valverde y Cosío succeeded Hurtado, acting Governor and also *Mayordomo* in 1717, as interim Governor and here, evidently, as *Mayordomo* as well.

pesos from the deputy Gonzales; I received on account of the Lord Governor ten pounds of wax, which were used up on the Day of the Purification of Our Lady: it amounts to thirty pesos;

f.4v I received an *arroba*¹¹⁴ and a half of wax for the year's use, which the Lord Governor gave to me. It brought in a hundred and thirteen pesos and four *reales*; I received from the Lord Governor five *varas* of Rouen linen which were placed on the windows of the Chapel of Our Lady, and a length of ribbon, all of which amounted to twelve pesos; I received a flagon of wine which the Lord Governor gave me for the Saturday and Monday Masses: it was worth ten pesos; further, eight pounds of wax which the Lord Governor gave me, which are worth twenty-four pesos; further, I spent eighteen pesos for three deceased brethren, for whom Masses were said, as will appear from the bills; I received ten rams which I took from the fifty that I removed from the flock of Our Lady, and which I turned over to the Father Guardian, Fray Francisco de Yrazábal, and the forty which I received I turned over to Corís, which was on the Lord Governor's account, and twenty sheep which I received from said flock I traded among the soldiers, which 8 pesos I turned over to the Lord Governor; further, I collected six pesos in this *Villa*; I received from the Lord Governor a flagon of wine worth 10 pesos for the Monday and Saturday Masses; I received an *arroba* of wax worth thirty-seven pesos and 4 *reales*; I collected in this *Villa* of Santa Fe twenty-four pesos which I turned over to the Father Guardian; further eight pesos more which were spent to [increase, or knead?] it.

(e) Minutes, I f.

f.1 In this church of the *Villa* of Santa Fe on the Third day of the month of October of Seventeen Hundred and Seventeen, the brethren of the Confraternity of Our Lady of the Rosary together see it fitting that Bernardo de Sena¹¹⁵ be elected as *Mayordomo*, which they carried out and declared with the Reverend Father Guardian, Fray Francisco de Yrazábal, presiding, naming as deputies: Sebastián Gonzales, Antonio Montoya, Miguel Sandoval, and Andrés Montoya; and that it may so appear the said Reverend Father Guardian signed it, and those who knew how, leaving as deputies for the outside [communities] the above-mentioned.

Fray Francisco de Yrazábal
For Sebastián Gonzales
Fray Francisco de Yrazábal

114. *Arroba*: A Spanish weight of twenty-five pounds.

115. More often called "Bernardino," having been named in baptism after the Italian Franciscan preacher, St. Bernardine of Siena. Born in Tezcuco, Mexico, he came to New Mexico in 1693 with the "*Españoles Mexicanos*" when he was nine years old. In 1705 Bernardino de Sena married Tomasa Martín Gonzales, and after her death married Manuela Roybal. By 1728 he had acquired much real estate in Santa Fe and the Cuyamungue Grant. He not only was the most active and devoted *Mayordomo* the *Conquistadora* ever had, but also served for years as Syndic of the Franciscans.

Antonio Montoya
 For the *Mayordomo*
 Fr. José de Narváis Valverde
 For Andrés Montoya
 Fr. Carlos Delgado

Before me,
 Miguel de Sandoval Martínez
 Deputy and Secretary

f.1v In this Church of Our Holy Father St. Francis of the *Villa* of Santa Fe, on the Second of October of Seventeen Hundred and Eighteen, the assembled Brethren of the Confraternity of Our Lady of the Rosary, located in said Church, re-elected in the Name of the Lord as *Mayordomo* of said Confraternity Bernardino de Sena, basing their decision on the experience which they have of his devotion and attendance, his punctuality and faithfulness, the Father Guardian, Fray Francisco de Yrazábal, assisting at said election, and they named as deputies: Sebastián Gonzales, Antonio Montoya, Sr., Miguel de Sandoval, Antonio Montoya, Jr. And that it may so appear they signed it with the Father Guardian on said day, month, and year.

Fray Francisco de Yrazábal
 Antonio Montoya
 Antonio Montoya
 For the *Mayordomo*
 Fray Francisco de Yrazábal
 For the Deputy Sebastián Gonzales
 Miguel Tenorio de Alba

Before me
 Miguel de Sandoval Martinez

(f) Accounts, 2ff., f.63 and f.97

f.63 Likewise, the Reverend Father Guardian, Fray José Guerrero, received seventy-five pesos from the dues of el Paso which Baltasar Trujillo handed in; another eleven pesos from La Cañada which Tomás Núñez handed in;

The account having been settled, of the Saturday and Tuesday Masses of the Confraternity of Our Lady *La Conquistadora* of the Rosary, and Feast of the Purification, and Masses for deceased members from the Eleventh of December of 1716, with the Reverend Father Guardian, Fray José Guerrero, its dues amounted to a hundred and one pesos, which the Confraternity has paid until today, the 21st of June of 1717. And his Paternity has received a hundred and thirty-seven pesos, by which he still owes thirty-six pesos.

Because of the absence of General Juan Páez Hurtado,¹¹⁶ *Mayordomo* of the Most Holy Virgin in her Confraternity of the Rosary, I,

116. See note 113.

Fray José Narváiz Valverde, took charge of the Confraternity since the Tenth day of July of this year of Seventeen Hundred and Seventeen, in order not to miss the Masses and Fiestas until a *Mayordomo* is elected.

The Convent remained owing 36 pesos to the Confraternity; the deputy of La Cañada handed in two bushels of wheat which were given to the Reverend Father Fray Francisco Yrazábal; further, one pair of woven understockings. The three Fiestas arranged for at 18 pesos apiece, and thirteen Saturdays at two pesos, and twelve Mondays at one peso, the whole amounts to ninety-two pesos. On the Third day of the month of October of 1717, I, Bernardo de Sena, was elected *Mayordomo* of the Illustrious Confraternity of Our Lady of the Rosary. I paid the Convent six pesos mentioned above which were owed it; further, I gave the Reverend Father Fray Francisco de Yrazábal, Guardian, 40 pesos on the Confraternity's account on the 16th of October of this year. To haul wheat from La Cañada I paid four pesos to Salvador de Archuleta;

£.63^v further, I gave Salvador de Archuleta six pesos for hauling the wheat which he brought from La Cañada; to the Master Juan de Medina for a job in the chapel of building the High Altar, and building a Sacristy, sixty pesos; for the sung and low Masses for five brethren who have died, twenty pesos; six pesos for the three Masses for a brother who died in La Cañada, because the two low ones were not said at one peso, but at two pesos; I paid the Father Guardian for the two feasts of December and February, and the Saturday and Monday Masses, ninety-six pesos, so that I am paid up until now the day of settlement, which was the Twenty-third of March; and the Padre still owes one peso for the future; those paid are fifty-six pesos, and with the above-mentioned 40 they amount to 96. Further, I have given Andrés Montoya twenty-two pesos for fetching the lumber to build the sacristy; I gave Andrés Montoya 8 pesos for the help in getting the lumber; the account of pesos for lumber is closed, which are thirty; and twenty *vigas*; and to Salvador de Archuleta I gave twenty-two pesos and four *reales* for fifteen *vigas* more. I handed in ninety-two pesos to the Reverend Father Guardian, Fray Francisco de Yrazábal; another twelve pesos which I paid for [the Masses of] the deceased brethren; another twelve pesos which I paid for three deceased brethren, as it will be evident from the bills; Ninety-six pesos which I have spent on beeswax for all the festivities and Masses of the year; thirty pesos which I handed in to our Father Guardian on the 22nd day of September; sixteen pesos' worth of beeswax for Our Lady—

£.97 I took out in the year of Twenty-four, thirty-five rams for the Father Guardian, Fray José Guerrero; two castrated lambs and one ram; I further took out for the said Father Guardian in this year of 1724, for the month of December, twenty rams; with five more for said Padre; in said year and month I took out forty-five old sheep, since I knew they would die, and I sold them for money to the soldiers

at the Palace; I took out fifteen rams on February 5, 1725, for the Father Guardian; on June 3 of the same year I took out fourteen rams for the Father Guardian, Fray José Guerrero; in the month of October of the year 1725 I went out and took from the flock of Our Lady two old sheep, which were going to die this winter, and ten rams for the Father Guardian; in the month of December I took out 28 rams which I turned over to the Father Guardian; further, on June 12 of the year 1726 I turned in to the Lord Governor 40 rams which I took out of the flock of Our Lady; further, in said year on the 20th of the month of October I turned in 44 rams to the Father Guardian from the flock of Our Lady; and four goats—

f.97v Today, the 1st of June of 1717, the *Conquistadora* Virgin, and her Confraternity, has three hundred and eight sheep in the flock of the General Don Felix Martínez,¹¹⁷ which were placed in the care of Juan Gonzales—

I, Bernardo de Sena, received three hundred and eight sheep, which are in care of Juan Gonzales, of the Confraternity of Our Lady, and among them are forty rams which I brought away, because the said [Gonzales] told me they were prejudicial to his flock and asked me to leave just enough for breeding purposes. Of the said rams I have given thirty to our Father Guardian for the Masses, and the other ten I sold for beeswax. Examining said flock I took out ten of the oldest heads, which one could see would die this winter, which the said Juan Gonzales turned over to me, and which I sold for nine pounds of beeswax.

When the Lord Governor and Captain-General, Don Antonio Valverde, left me, Bernardo de Sena, in his place [as *Mayordomo*], I went out to examine the flock of the Confraternity of Our Lady of the Rosary, and I counted three hundred and eighty-two. And from said number I took out fifty rams and twenty old ewes. . . .

THE END

117. Martínez was also interim Governor, and probably *Mayordomo* of the Confraternity around this time.

THE DRAGOONS AND EL PASO, 1848

By M. H. THOMLINSON

ONE hundred and fifteen years ago Congress decided to do something about the Army—the Indian situation again was bad and getting worse.

From the beginnings of the country the settlers along the Atlantic seaboard had encountered Indians who travelled and fought on foot, and for many generations their westward-pushing descendents met the same kind of opponents. But in 1832 the frontier was west of the Missouri and, farther southwest, the Santa Fe trail had been opened; everywhere along the border the settler and the traveller found Indians on horseback. The answer, of course, was soldiers on horseback. But the Army had none.

At the end of the War of 1812-1815 the Army had been reduced to about 10,000 men and again in 1821 Congress, in another economy move, had still further cut it down to 6,500 men. There were seven regiments of Infantry, four of Artillery, and a handful of staff people, but there were no Cavalry at all.¹

To cope with the mounted Indian, Congress in 1832 authorized the organization of one battalion of "Mounted Rangers," soon to be increased to a regiment and shortly thereafter designated the "First Dragoons."² This fine old regiment, organized and equipped expressly to fight the Plains Indians, spent much of its early life on the western frontier, but the small part of its history with which this story has to do concerns not Indians but a little known episode of the War with Mexico, involving three companies of the regiment.

In 1846 Colonel Stephen Watts Kearny hastily organized the Army of the West and set out from Fort Leavenworth for the conquest of New Mexico and California. Among his troops were five companies of his own regiment, the First Dragoons. While on the march, near Socorro, in

1. Upton: *Military Policy of the United States*, pp. 149-151.

2. *Army Register*, 1922, p. 1426.

October of that year, Kit Carson brought favorable news to Kearny from California which resulted in three of the five companies of dragoons being left behind in New Mexico.³ Their duties were to help hold the newly acquired Territory and to protect settlers and travellers against the Indians. These three companies were B, G, and I.⁴ In the summer of 1847 they were at Santa Fe and Albuquerque. Shortly, they were to move into Old Mexico.

In the autumn of 1847 Sterling Price, the military governor of New Mexico, became apprehensive of an attempt by Mexican forces in Chihuahua to re-take their lost province of New Mexico. He therefore asked permission of the War Department to lead an expedition into Old Mexico, as a sort of counter-offensive, and, in anticipation thereof, sent a reconnaissance detachment to El Paso del Norte (Juarez) and then concentrated the rest of his troops where they could readily be put in march for that point. Eventually, on February 4, 1848, he received information⁵ which he considered to be justification for his expedition and immediately issued orders for the concentration at El Paso del Norte.⁶ At that time the three companies of dragoons were at Albuquerque. One of them, B, had been converted temporarily into a light artillery company with six cannon, in order to compensate for Price's shortage of artillery organizations for his Mexican venture. The volunteer troops were camped along the river, most of them being around Socorro, New Mexico.

Old records show that all the dragoons left Albuquerque on February 11 and that they arrived in the El Paso del

3. Secretary of War. *Annual Report*, 1848, p. 226 (Swords' Report).

4. Bieber, *Marching with the Army of the West*, p. 38.

5. *Ibid.*, p. 352.

6. Price ordered the following to concentrate at El Paso del Norte—3 companies First Dragoons (two of horse and one of artillery), Major Benjamin Beall; 6 companies 3rd Missouri Mounted Volunteers, Colonel John Ralls; 2 companies Missouri Volunteer Infantry, Lt. Col. A. R. Easton; and the Santa Fe Battalion (3 companies of horse and one of artillery), Major R. Walker. See Price's report in *Ann. Rep. Sec. War*, 1848. In addition, Price also had Lane's detachment that had marched to El Paso del Norte in November and a troop of horse that he used as personal escort. Initially, he also had five companies of Illinois Infantry, but they were returned to Santa Fe before the movement began from Socorro to El Paso del Norte. See McKissack's report in *Ann. Rep. Sec. War*, 1848, pp. 221-225. McKissack reported that eighteen companies marched into Mexico.

Norte concentration area on February 26 and 28.⁷ The artillery company, being heavier, took two days longer than the horse units. Today, the distance from Albuquerque to Juarez is over 270 miles by direct road. Then, with the old dirt trail meandering through the Jornada del Muerto and with two extra river crossings, the journey must have been longer and harder. Assuming the usual one day of rest per week, this march figures out as a rather rapid movement but it turned out to be nothing at all when compared with the accomplishments of the next three weeks. (Lane, with three companies of mounted volunteers, required thirty-seven days to make the same trip, the preceding fall.)

All of Price's troops reached El Paso del Norte before the end of February, except the supply train which was much delayed.

Where did Sterling Price's troops camp when they reached El Paso del Norte? With the exception of two companies no one knows with any certainty.⁸ Old reports say, "some in the town and others around the town." The matter is confused because in those days many people referred to El Paso del Norte as El Paso; on the north bank of the river where El Paso, Texas, now stands there was then nothing but the ranch of Ponce de Leon. As for the dragoons, one would suppose that an old soldier like Major Beall would have camped as far from town as possible but in all likelihood he camped where he was told, Price having arrived ahead of him. In any event, it is significant that Beall's return of troops for February 28 was dated at El Paso del Norte, *Mexico*.⁹ Had he been on the north bank of the Rio Grande he would have been in either Texas or New Mexico, according to his predilection.

Sterling Price was in a hurry. Without waiting for his supply train to arrive he divided his force into two parts.¹⁰ Taking the most mobile of his troops in the leading detachment, including Beall with G and I, Price started from El Paso del Norte on March 1, with only eight days rations, and

7. Muster rolls of Companies B, G, and I, First Dragoons, for February, 1848.

8. Bieber, p. 339.

9. Post Return for El Paso del Norte, Mexico, for February, 1848.

10. Sec. War, *Ann. Rep.*, 1848. p. 113.

arrived in Chihuahua on the night of the seventh—225 miles in seven days, in enemy country, over a poor trail, and with great scarcity of water. While on this forced march Beall's two companies of horsemen were detached to make a detour to cut off an expected enemy retreat toward Durango, but their guide lost his way. There were no maps.¹¹

The Mexicans having evacuated Chihuahua and retired to Santa Cruz de Rosales, Price hurried off in pursuit, reaching his objective, sixty miles distant, on the morning of the ninth. By this time his force was pretty well scattered along the road, but they appear to have been in good order and soon came up. Of the nine companies that were with him when he left Carrizal only some 250 men still accompanied him when he appeared before Santa Cruz. Shortage of water and the killing pace had broken down men and horses alike. Horses, however, were easily secured in Chihuahua City. Lieutenant Love, with the dragoon artillery, left El Paso del Norte three days after Price and at first did not seem to feel much need for haste, but somewhere along the road an urgent message from Price reached him and he made the last 210 miles in four nights and three and one half days.¹²

Meanwhile Price had laid siege to Santa Cruz, which he had found to be fortified. Price said of that situation, "without tents, a scarcity of provisions, and suffering from the effects of a forced march beyond parallel, my troops cheerfully performed the onerous duties of the siege." At first he had not many more than 250 men against 900 in the town.

On the sixteenth, when his last troops had come up, he assaulted the place but was interrupted by a cavalry attack against his rear. This diversion was not beaten off until the middle of the afternoon when the assault was resumed, the town surrendering at sundown. Mexican loss was very heavy; Price's quite small. B company of the dragoons had the most casualties, seven, of any company in the entire force. G had two, I none. Considering the circumstances of the fight the disproportion of losses is startling.

11. Beall in *Sec. War, Ann Rep.*, 1848, p. 120.

12. Love in *Ibid.*, p. 124.

After the battle Price's men performed the usual duties of an army of occupation until July, 1848. Very little record has been found of the activities of the volunteers during this period, but the movements of the dragoons have been traced through their muster rolls and field returns. From these records we learn that a few days after the fall of Santa Cruz the dragoons marched to Chihuahua, which was to be their "station" in Mexico. With the exception of some escort duty for one company, there they remained until orders arrived to return home.¹³ For the dragoons "home" meant New Mexico and more Indian fighting, but their more fortunate volunteer¹⁴ friends actually went home and were mustered out of the service.

Now we come to a curious conflict in the record of these same three companies of dragoons. According to a widely accepted report they marched to El Paso (Texas) and constructed and occupied a cantonment there during the same months that they are shown above to have been campaigning in Mexico. Specifically, Beall's three companies of the First Dragoons are alleged to have arrived in El Paso on February 11, 1848, to have built a cantonment on the north bank of the river, on Coontz' ranch, now the center of El Paso, Texas, and to have lived there for several months, when they departed for points not stated.

The basis for this interesting information is a letter from the War Department. It appears that in 1887 some person in El Paso wrote to the War Department asking for a brief history of Fort Bliss. The Adjutant General, Richard Coulter Drum, replied, enclosing a memorandum, prepared by someone whose identity is not disclosed, containing the desired history, which included the following statement, "The vicinity of Fort Bliss was first occupied by United States troops February 11th, 1848, when three companies of the First Dragoons, under command of Major Benjamin Beall, took post near Franklin (El Paso) remaining there, however, but a few months."¹⁵ The original source of the

13. Letter from National Archives, Dec. 5, 1946.

14. War Dept., G. O. No. 25, June 8, 1848.

15. Special edition *El Paso Times*, August, 1887.

embellishments to the Adjutant General's statement is unknown.

Normally the Adjutant General is excellent authority, but in this instance we find his 1887 statement, quoted above, to be at variance with official reports and other records that were written at the time of the event. Obviously, some investigation and comparison are necessary in order to determine the relative value of the conflicting items of information.

General Drum's letter and memorandum were written nearly forty years after the war. In 1847 Drum was a lieutenant in the Ninth Infantry and is mentioned in the records as having been present with that regiment, in the fall of 1847, at one of the battles around Mexico City.¹⁶ Later, he transferred to the Fourth Artillery. Neither of these regiments was anywhere near El Paso del Norte in the spring of 1848 nor does Drum's name appear in the lists of officers who were with Sterling Price in Mexico. Evidently then, Drum had no personal knowledge concerning that part of the "history" he sent to El Paso and, as stated above, the actual compiler of the memorandum is unidentified. Since no one concerned with Drum's memorandum is shown to have any personal knowledge of the case in question, and because no "sources" are quoted, it is necessary that this bit of information be put in the undependable class until verified.

Opposed to the statements in Drum's letter to his El Paso friend in 1887 are the contents of letters and records that were written in 1847 and 1848, and which can now be found in the annual reports of the Secretary of War for those years or in old War Department files. The papers referred to include official reports written by Sterling Price, his staff and his subordinate commanders, and the field returns and muster rolls of the three companies of dragoons under Major Beall's command.

The reports cover two periods, (1) the various stages of the concentration of troops prior to the march into Mexico and, (2) those written after the battle of Santa Cruz de

16. Heitman, *Historical Register . . . United States Army*, I, 384.

Rosales. Price's own reports, brief and to the point, are confirmed in their essential details by those of his subordinates. There appears to be no good reason to question any of them. Field returns and muster rolls of the three companies are available for the entire period under consideration.

In explanation of the value of these organizational records, a field return was a sort of inventory of troops that showed the strength in officers and men, names of organizations, names of officers, and the activities of the group, such as marches and battles, and was usually submitted on the last day of each month; a muster roll was something like a pay roll of today and included a list of the entire personnel of the company together with detailed information affecting each man's status as to duty and pay, and occasionally other miscellaneous data. Certainly, field returns and muster rolls are first class sources of information.

To recapitulate, the muster rolls of Major Beall's battalion show that all three companies left Albuquerque on February 11 and that they arrived in the El Paso del Norte area on February 26 and 28. Reports by Price and subordinates show that all three companies left El Paso del Norte early in March and that all were present at the battle of Santa Cruz de Rosales on March 16.¹⁷ Field returns account for the three companies at Chihuahua, Mexico, monthly from March 19 until the end of June.¹⁸ Word having reached Price that the peace treaty had been ratified and the army of occupation ordered home, we find from the July returns that on the last day of that month G and I Companies were in camp at Camp Scott, twenty miles above El Paso del Norte, on the east bank, and that B Company was in camp near Socora (Socorro?), Mexico.¹⁸ Thereafter, the three are found garrisoning the posts at Socorro (New Mexico), Albuquerque, and Taos.¹⁹

The possibility that three other companies of the First Dragoons may have been referred to in the Adjutant Gen-

17. Sec. War, *Ann. Rep.*, 1848, p. 113 ff and map.

18. Letter from National Archives, Dec. 5, 1946.

19. Sec. of War, *Ann. Rep.*, 1848, p. 164; *Ibid.*, 1849, p. 104.

eral's letter is eliminated by a check of the companies of that regiment—only five accompanied Kearny to New Mexico and of those five two went with him to California; the remaining companies of the regiment were employed elsewhere.

Similarly, the suggestion that detachments of Beall's companies may have remained behind from the expedition into Mexico and built a cantonment is likewise negated by an examination of the muster rolls from March to July. No men were on detached service in El Paso or anywhere else during that period except an occasional few that were detailed on escort duty with Colonel Price.¹⁹

Finally, we are forced to the conclusion that the long accepted report that Beall's dragoons built and occupied a cantonment on the site of what is now El Paso, Texas, is a myth. Not only a myth, it is actually a reflection on the record of the men of those three companies who, instead of sitting comfortably in a cantonment, had marched into Mexico to engage in the war.

BLACK-ROBED JUSTICE IN NEW MEXICO, 1846-1912

By ARIE POLDERVAART

CHAPTER XIX

CLEANING UP FOR STATEHOOD

The Hon. William Hayes Pope who succeeded Judge Mills as chief justice was a pious man. He was a devout Christian and an active member of the Presbyterian church. To his religious devotion Pope Hall, annex to the First Presbyterian church in Santa Fe, stands as a lasting memorial and tribute.

Judge Pope originally came to New Mexico from Georgia in 1894, a health seeker, after being admitted to the bar in Georgia in 1890. He resumed his practice of law in 1895 and quickly became interested in Territorial affairs, serving as the assistant United States Attorney for the Court of Private Land Claims under the eminent Matt G. Reynolds from 1896 until 1902. Mr. Reynolds, writing to the Attorney General of the United States in 1904, reported that when Summers Burkhart resigned as Reynolds' assistant,

Mr. William H. Pope of Santa Fe, N. M., was appointed to succeed him and continued with the office until the litigation was substantially concluded, when he resigned to accept appointment under the Philippine Commission as judge of the first instance. To Mr. Pope is due much of the credit for the painstaking and careful preparation and trial of some of the most important cases. His fidelity and ability in the discharge of the many and burdensome duties and the magnificent success accompanying the same deserve special commendation by those associated with him, the government and the people; no official connected with this entire litigation rendered better and more lasting service for good than Mr. Pope, and his public service since on the bench in the Philippine Islands and on the supreme bench of New Mexico is but a continuation of that high and honorable standard fixed and attained by him in the Court of Private Land Claims.¹

Pope also served as special United States attorney for the Pueblo Indians from 1901 to 1902 when he received the appointment of judge of the Court of the First Instance referred to by Mr. Reynolds. William Howard Taft, then gov-

1. R. E. Twitchell, *Leading Facts of New Mexican History*, 471-472, note. 395.

ernor general of the Islands, was impressed with Pope's energy and integrity. Later when Taft became President he remembered Pope and unhesitatingly nominated him to become chief justice of New Mexico. As chief justice Pope established his headquarters at Roswell, presiding over the fifth judicial district. He received his original appointment on the court as an associate justice in December, 1903.

While serving as associate justice, Pope's knowledge of Indian law and experience as special attorney for the Pueblo Indians stood him in good stead in preparation of his opinion in *United States v. Mares*. In this case the Supreme Court upheld its previously established interpretation that the Pueblo Indians of New Mexico and Arizona are full-fledged citizens of the United States. As a result of this legal conclusion the court found that these Indians did not fall within the class of the "First Americans" to whom the sale of intoxicating liquors was prohibited by the then existing acts of Congress on the subject.

Benito Mares and Anastacio Santistevan were charged with selling or giving intoxicants to Taos Indians in the town of Taos outside of the pueblo jurisdiction. The lower court, upon a stipulation of these admitted facts, discharged the defendants and the Supreme Court upheld the ruling. These Indians, Judge Pope wrote on behalf of the Court,

have been judicially determined to be a people very different from the nomadic Apaches, Comanches, and other tribes 'whose incapacity for self government required both for themselves and for the citizens of the country the guardian care of the general government.' They are not tribes within the meaning of the federal intercourse acts prohibited [prohibiting] settlement upon the land of 'any Indian tribe.' They are not wards of the government in the sense that this term has been used in connection with the American Indian.²

Soon after he became chief justice there came before the court a case which tried the churchman's soul. On June 20, 1907, Mr. Francisco Chaves of Peralta came to the home of a prominent Methodist minister, the Rev. Thomas E. Harwood, in Albuquerque, and requested him to perform a marriage ceremony between his son and a girl named Amalia

2. *United States v. Mares*, 14 N. M. 1, at pp. 3-4.

Perea. The marriage license issued by the probate clerk appeared regular in every respect, the birth dates of the parties would indicate that they both were of legal age to be married with consent of the parents and this consent was clearly indicated by the parents' signatures. Mr. Chaves, however, told the preacher that he had visited Father J. B. Raillere, a Catholic priest, who had christened Amalia, and that from his record it appeared that he had christened the girl when she was eight days old in July, 1894. This would make the girl only thirteen years of age whereas the law set a minimum of fifteen years if the parents gave their consent. Chaves also intimated that the reason he went to Father Raillere to obtain this record was that the Pereas and the priest had squabbled over a son, a few years older than Amalia, who had failed to keep an agreement with the priest to be baptized in the Catholic church. Chaves further told the minister that Amalia's mother had vouched in the most positive of terms that the girl was well over fifteen.

Fortified with this advance warning Preacher Harwood went to Peralta on June 23. There several people told him they knew Amalia was of legal age for marriage with parental concurrence. The parson relied in particular on the statement of Pedro Marquez who told him that he knew Amalia was older than his own daughter, who he said was then over fifteen and that when his wife was confined the mother of Amalia came over to their house with Amalia in her arms, Amalia being several months old at that time.

Thus reassured the Rev. Harwood prepared to perform the marriage ceremony. In doing so he carefully complied with the formality of asking whether anyone present knew of any impediment to the marriage and if so to speak up. No objection was made and the knot was tied.

When the next grand jury met Harwood was indicted for wilfully and knowingly marrying a girl under fifteen. The defense sought to show that Father Raillere's record was in error, but Harwood admitted he knew nothing about the accuracy of baptismal records in the Catholic church. He was told at the trial that it is a rite of the Church always to baptize an infant with the time of the circumcision of the

Savior—eight days, though it also was brought out that the priest had no personal recollection of the girl's birth nor of the christening and that all he had to go by was a memorandum in his baptismal record.³

The jury returned a verdict of guilty and after in vain seeking an arrest of judgment Harwood appealed. It fell to Judge Pope to write the decision.⁴ The judge's opinion distinguishes between legal and religious concepts. He concluded that it made little difference whether the person who united the couple in matrimony had actual knowledge of the age of the parties. He said: "In our opinion the statute does not make such knowledge an element of the offense."

While there was a prohibition in the statute against knowingly uniting in marriage males and females under the ages of 21 and 18 respectively, Judge Pope pointed out that the portion of the statute which dealt with marriages between relatives and of females under fifteen omits the word "knowingly" and prescribes a penalty for simply "uniting in wedlock any of the persons whose marriage is declared invalid."

"We are of the opinion," Judge Pope concluded, "that the marrying of a female under fifteen belongs to the class of statutory misdemeanors where knowledge . . . is not a necessary element of the offense. In a matter of such importance to the race the law imposes upon the officiating officer the duty of ascertaining at his peril the age of the persons marrying."⁵

He then declared that legally the case fell within the same principles as the case of *Territory v. Church*, 14 N. M. 226, 91 Pac. 720, wherein punishment of a saloon proprietor was approved for unintentionally permitting a minor to gamble away in his establishment.

On March 3, 1910, Judge Pope began his first term as chief justice. He began for the Supreme Court a vigorous policy to catch up on the docket which had fallen somewhat behind. After several months of the fast pace, one Santa Fe attorney remarked that Chief Justice Pope evidently ex-

3. *Transcript*, pp. 13-18.

4. *Territory v. Harwood*, 15 N. M. 424, 110 Pac. 556, 29 L.R.A. (n.s.) 504.

5. *Territory v. Harwood*, 15 N. M. 424, at p. 429.

pected to work the court and the bar to death. The results of his energetic and progressive policy, however, soon became apparent in the number of opinions which flowed from the bench in a continuous stream. The *Santa Fe New Mexican* reported:

Five more opinions were handed down by the Territorial supreme court today and it is understood that five more are prepared and will be announced shortly, making altogether twenty-seven opinions thus far for the term, with two more weeks for the court to sit. This is establishing a new record for hard work and speedy disposal of business before it.⁶

In order to accomplish his purpose of clearing up cases as promptly as possible, Judge Pope did not await the "erratic convenience" of some attorneys to appear for oral argument. A time for hearing them was set and if the lawyers were not present when their cases were called, they lost their chance and were required to submit their cases solely upon briefs. This was in sharp contrast to the earlier practice of granting delayed hearings whenever the attorneys so requested.

Likewise indicative of the progress of the court in mopping up for statehood during this period is the report which appears in the *Santa Fe New Mexican* for August 30, 1910, which states that the court had disposed of every one of the fifty-six cases on the docket when the term began, five by continuance for the term, all the others through argument and submission. Forty-three cases had actually been decided, said the article, "and before the court adjourns tomorrow afternoon, several more will be handed down. This record is not equalled, much less surpassed by any previous session."

The *New Mexican* again alludes to the ambitious policy of the Supreme Court in an article reporting adjournment of the tribunal until January 2, 1911. It pointed out that

one consequence of this energetic work is that only about a dozen cases remain to be finally disposed of and that the Territorial Supreme Court will have completed its work, giving the state supreme court and the federal court a clean slate.⁷

6. *Santa Fe New Mexican*, Aug. 16, 1910.

7. Sept. 2, 1910.

When the court reconvened for its January term, a campaign was in full swing to gain support, at a forthcoming election, for the Constitution which had been drawn up by the Constitutional Convention from October 3, 1910, to November 3, 1910. Many attorneys were active in this drive to secure its adoption. Upon request of a number of members of the bar the court recessed its term from Saturday, January 7, to Monday, January 23, 1911, when oral arguments were to resume. The court invited counsel to submit their cases upon brief wherever possible, dispensing with oral argument, in order to expedite its business.

Among the numerous cases upon the docket during Chief Justice Pope's tenure as presiding judge, were several of a political nature which were of more than ordinary interest. In *Sofia Garcia de Vigil, administratrix of the estate of Eslavio Vigil v. Andrew V. Stroup*, the suit was the outgrowth of the removal of Eslavio Vigil by Governor Otero from the office of Bernalillo county superintendent of schools, and appointment of Stroup as his successor. Vigil contested the legality of his removal and sued to collect the fees of the office for the unexpired term. The trial court had dismissed Vigil's complaint.

The Supreme Court upheld the lower court's decision despite its previous holdings in *Hubbell v. Armijo*, 13 N. M. 480, 85 Pac. 477, *Conklin v. Cunningham*, 7 N. M. 445, 38 Pac. 170, and *Eldodt v. Territory*, 10 N. M. 141, 61 Pac. 105. According to the opinion:

If the commission of the governor reciting a vacancy and appointment of Stroup to fill it was a nullity, it should not be permitted to stand unless grave public interests require it and certainly not as between individuals. As far as the rule announced in *Hubbell v. Armijo*, *Territory v. Eldodt*, and *Conklin v. Cunningham*, is concerned, its application will not be by this court extended any further than to such conditions as obtained in those cases.⁸

In *Territory ex rel. Felix H. Lester v. A. W. Suddith et al.*, Lester had run as the Democratic candidate for the office of mayor of Albuquerque at the spring election in 1910. Dr. J. W. Elder was the Republican candidate. The official

8. 15 N. M. 544, at p. 556.

returns gave Elder a plurality of one vote. Lester prayed for a writ of mandamus directing the boards of election in the second and third wards of the city to count two and seven ballots respectively which he alleged they had failed to consider. The court sustained the motion in each instance and peremptory (absolute and unconditional) writs were allowed. Dr. Elder appealed to the Supreme Court, Lester meanwhile holding the office.

Chief Justice Pope wrote an exhaustive opinion in the case, which declared that the writ had been improvidently granted because the ballots in controversy had been deposited in the ballot box with the other ballots cast at the election and the box locked, sealed and returned to the clerk of the city of Albuquerque, and therefore the judges of election had no opportunity to carry out the court's mandate. Said Judge Pope:

It is argued that there is no assurance that the writ if granted can be obeyed and that courts will not grant the writ in doubtful cases where a compliance with it depends upon the caprices of a third person not before the court. This argument impresses us as sound and its conclusion unavoidable. It is fundamental that to authorize the writ it must appear that if granted it will be effectual as a remedy and that it is within the power of the defendant, as well as his duty, to do the act in question.⁹

This case settled the argument and Dr. Elder moved in as the lawful mayor of the city.

George S. Klock was appointed district attorney for Bernalillo, McKinley and Valencia counties on February 18, 1909, by Governor George Curry, and was duly confirmed by the Legislative Council, as the law required, for a term of two years and until his successor should be appointed and qualified. On November 18, 1910, the new governor, William J. Mills, made an order seeking to remove him from office, and on the same day entered another order appointing former Justice Edward A. Mann in his place.

Klock brought *quo warranto* proceedings against Mann to test the latter's right to the office. By stipulation between attorneys the case was moved rapidly to the Supreme Court for final determination. The legal question involved was the

9. 15 N. M. 728, at p. 741.

governor's power to remove summarily a gubernatorial appointee before expiration of the fixed statutory term. The court, speaking through Chief Justice Pope, upheld its decision in *Territory v. Ashenfelter*, 4 N. M. 93, 12 Pac. 879, to the effect that the governor was without power to remove a district attorney, or other official, appointed for a fixed term, before expiration of the term. In doing so the court rejected argument of counsel that the right to remove exists incident to the power to appoint in a case where the tenure of the office is fixed by legislation.

Klock resumed his duties on March 24, 1911, but on April 6, Mann reappeared with a new commission from the governor dated March 29, 1911, purporting to appoint him to the office, and again entered upon the duties of district attorney. Klock brought *quo warranto* a second time. The only difference between this case and the earlier one was that the two years had expired prior to March 29. Klock took the view that even though his two years were up, still his successor had not been duly appointed and qualified, contending that there was no vacancy, and no new appointment until the Council had concurred in the governor's nomination; and also, that even if there had been a vacancy under the laws of the Territory, operation of these laws had been, in effect, suspended through enactment by Congress of the Enabling Act of June 20, 1910. Klock said that such act had the effect of continuing him in office until the proclamation of the President declaring New Mexico to be a state.

The court once more found in favor of Klock by upholding the district court in its ouster of Judge Mann. The Court said:

In the case at bar the relator, having the right to hold over until a duly elected and qualified successor should demand the office, has the right to the office of district attorney and can hold the same until some qualified person appointed by the governor by and with the advice and consent of the Legislative assembly appears and demands the office.¹⁰

Having decided the case in favor of Mr. Klock on the first point, the court found it unnecessary to consider the effect of the Enabling Act upon the term of office.

10. *Klock v. Mann*, 16 N. M. 744, at p. 748.

A case involving a determination of the elements necessary to sustain a conviction for embezzlement reached the high court in the summer of 1911. It involved a sum of \$150 obtained from Bronson M. Cutting in purchasing a baby grand piano when Cutting came from New York to Santa Fe to live. According to the evidence Otto J. Eyles received the money to purchase the piano for Cutting. He was charged in the indictment with having embezzled the money which came into his possession as Cutting's agent. The defendant moved for a peremptory instruction of not guilty on the ground that the proof failed to establish either the agency or the felonious intent necessary to convict under the provisions of Section 1122 of the Compiled Laws of 1897. In disposing of the case in favor of the defendant, Judge R. Wright writing the opinion, the court stated:

We have carefully examined the record in this case, and feel constrained to hold that the evidence upon the questions of agency and intent is so meager as not in law to justify the verdict returned in this case. The record discloses that the defendant was guilty of nothing more serious than a breach of trust.¹¹

One of the hardest workers on the Supreme Court during the last two decades of the Territory was Judge John R. McFie who came to New Mexico in 1884. In Civil War days he had marched with General Sherman to the sea. In March, 1889, he was appointed associate justice of the Supreme Court. After serving for four years he re-entered private practice, but in 1897 he was re-appointed to the Court by President William McKinley, when he became presiding judge of the first district. During his first term Judge McFie demonstrated his eminent qualifications for the judgeship, and the bar of New Mexico, ever quick to criticize any judicial act showing the slightest tinge of bias or of prejudice, expressed the highest confidence in his integrity and marked sense of justice. Moreover, the court records indicate that not one of his opinions written for the Territorial Supreme Court was ever reversed by the Supreme Court of the United States during the years he was a member of the New Mexico tribunal. In all, Judge McFie was on the bench

11. *Territory v. Eyles*, 16 N. M. 645, at p. 660.

for nearly nineteen years, or until New Mexico's admission to the Union as a state in 1912.

Of considerable consequence to many of the old settlers in the Territory, especially those who had acquired land titles and rights within the boundaries of land grants, was the decision in *Montoya v. Unknown Heirs of Vigil*, 16 N. M. 349, 120 Pac. 676, affirmed by 232 U. S. 375, 58 Law Ed. 645, 34 Sup. Ct. 413, in the Supreme Court of the United States. Action was brought for a partition of the Alameda Land Grant containing some 89,346 acres of land. This litigation did not involve any question as to validity of the grant itself but was a contest between the individual claimants who asserted ownership of interests in the land as heirs, assigns, purchasers and the like. The suit was brought by plaintiffs against the "Unknown heirs and unknown owners," service being, of course, by publication only. After service in this manner numerous persons appeared, claiming to be heirs and asking for a share in the partition. In the final decree which followed, the intervening heirs were declared to be owners and the decree defined the amount of land to which each of them was entitled. In appealing from this partition by the lower court, the plaintiffs raised as their first and most important point the right of persons, who claim to have an interest in all or part of the property sought to be partitioned, to intervene and to have their rights settled in the same suit.

Judge McFie in writing the opinion for the court held in favor of the intervening claimants, basing his decision on Sec. 3182, Compiled Laws of 1897, which provides that "persons claiming to be interested in the premises may intervene during the pendency of a suit or proceeding having for its object the partition of lands." The order of the court allowing claimants to intervene stated that the suit was still pending at the time the intervention was sought, and that being so, Judge McFie concluded, there was no discretion to refuse the right. Judge McFie further declared that a judgment in a partition suit is interlocutory only and may be modified or even rescinded at any time before final judgment or decree.

A controversy developed during Chief Justice Pope's time as a result of removal of the county seat of Lincoln county from the town of Lincoln to Carrizozo. After an election was had to determine whether the county seat should be removed from Lincoln in accordance with a petition presented to the Board of County Commissioners, it appeared that Carrizozo received 900 votes and Lincoln 613 votes. The Board of County Commissioners accordingly declared Carrizozo to be the new county seat. An attempt to build a courthouse and jail at Carrizozo in response to this change was vigorously contested by taxpayers, however, when the board sought to expend \$28,000, the proceeds of bonds issued and sold, for this purpose.

The case of *Territory ex rel. White v. Riggle*, 16 N. M. 713, 120 Pac. 318, represents six controversies which all stemmed from the removal issue. The Board of County Commissioners rented office space for the county officials in Carrizozo until the new jail and courthouse were completed, but a number of the officers declined to move into the rented quarters. The legal question for determination before the Supreme Court was whether under several apparently conflicting statutes these officials could be required to move their offices before the new courthouse and jail were finished.

Relying upon the legal principle that repeals of statutes by implication are not favored and that where possible two statutes treating the same subject shall be construed together, the court found that Chapter 38, Laws of 1903, and Sec. 1, Chapter 87, Laws of 1907, had been enacted for the purpose of preventing county officers from maintaining their offices in their own homes or at other places convenient to them away from the county seat. Such legislation had been passed, the court maintained, to remedy a bad situation which had developed in the Territory at the time. This clearly was a sound interpretation of the purpose of the statute, which read:

All sheriffs, treasurers and probate clerks of the various counties in New Mexico shall establish and maintain their offices and headquarters for the transaction of the business of their respective offices at the county seat of their respective counties and shall there keep

all the books, papers and official records pertaining to their respective offices: *Provided*, that such offices shall be provided for such officers at the expense of the respective counties.¹²

Sec. 633, Compiled Laws of 1897, however, according to the court's conclusion, had been enacted to provide that offices should not be removed from an old county seat to a new one until proper facilities had been completed. The court reached this conclusion from these words at the beginning of that section:

So soon as convenient buildings can be had at such new county seat the courts for said county shall be had therein, and so soon as the new courthouse and jail shall have been completed, the county commissioners shall cause all the county records, county offices, and property pertaining thereto, and all county prisoners, to be removed to the new county seat.

There was no conflict between these two sets of statutes, the court held, and the officials had a legal right to refuse to move their offices under the law until the new court house was ready for occupancy.

Land title controversies confronted the court until the very last days of its existence. An important boundary conflict which had been in the court since 1876 was adjudicated by the Supreme Court on January 2, 1912, only to be reversed later by the United States Supreme Court.

According to the evidence the Preston Beck grant conflicted with the Perea grant to the extent of some 5,000 acres. Both grants had been confirmed by the same act of Congress, approved on June 21, 1860. The district court had reached the conclusion that inasmuch as the Beck grant had been made by a Mexican *Jefe politico* (political chief) prior to the Perea grant, and since the United States had in effect recognized validity of the grant by issuing a patent, the latter act had declared the grant by the Mexican official to be valid under Mexican law pursuant to our guarantees in the Treaty of Guadalupe Hidalgo and that the Beck grant, being the older, held priority over the Perea grant. It further supported this conclusion by the observation that the Beck

12. Laws of New Mexico, 1907, Chap. 87, Sec. 1.

people had taken the first steps to clear their title by applying to the surveyor general, and that upon Congressional approval of their patent dated back to December, 1823, the date of the original Mexican grant.

The Supreme Court of New Mexico, however, was of the opinion that these steps taken by the Beck interests prior to the Act of Congress could not be considered; therefore, their title could not be dated back prior to the act confirming their title and that, for this reason, both parties holding "by the same act of Congress, in so far as their grants conflict or overlap," each held an "equal undivided moiety of the lands within the conflict."¹³

The compromise arrangement satisfied no one and on appeal the United States Supreme Court likewise found itself unable to agree. In resolving the question in substantially the same manner as the district court had done, the court observed:

The confirmation [by Congressional act] cannot be disassociated from what preceded it, and it may be said of such direct confirmation by act of Congress . . . that it constitutes a declaration of the validity of the claim under the Mexican laws and that the claim is entitled to recognition and protection by the stipulations of the treaty.¹⁴

The Territorial Supreme Court finished its business with the denial of a rehearing in the Stoneroad case late in the evening on January 4, 1912, and then adjourned to January 10, leaving its docket clean. No business was to be transacted on the tenth, except to turn over to the State Supreme Court.

On the night of January 5 statehood negotiated a last minute hurdle. Supreme Court Clerk Jose D. Sena was enjoying himself at a dance when he received this disturbing telegram from the nation's capital:

Washington, D. C. January 5, 1912

Clerk, Supreme Court,
Santa Fe, New Mexico.

Issue at once writ of error to review judgment rendered by district court, sixth judicial district, last month, dismissing bill of complaint in cause number 14, entitled United States against the Alamogordo

13. *Stoneroad v. Beck*, 16 N. M. 754, at p. 774.

14. *Jones v. St. Louis Land Co.*, 232 U. S. 355, at p. 361.

Lumber Company, a corporation. Absolutely necessary writ should issue tonight to prevent delay in signing proclamation for admission of New Mexico as state. Answer tonight.

KNABEL, Acting Attorney General.¹⁵

Sena, of course, hustled over to the capital and prepared the writ. The statehood proclamation was signed shortly before noon the next day, January 6, 1912. The writ of error was the federal government's protection to its interest in certain public lands, which were involved in the suit, before the Territorial Supreme Court passed out of existence and the status of the Territorial lands was changed by the statehood proclamation.

On the evening of January 10 the Territorial Supreme Court gathered at ceremonies terminating its existence. The members of the new State Supreme Court were present to be administered their oaths of office. Shortly before the judges of the Territorial Court took their places on the bench, the judges-elect, C. J. Roberts, Frank W. Parker and R. H. Hanna, drew lots to determine the length of their terms, one of which was for four, one for six, and one for eight years. The respective figures were written on slips of paper which were placed in a hat. Justice Roberts drew the short term of four years, Justice Hanna the one for six years, and Justice Parker, the eight year term. Judge Roberts, having drawn the shortest term, became chief justice.

Chief Justice Pope was unable to come up from his home in Roswell to attend this closing session but, no doubt appropriate because of his long tenure on the court, Judge McFie presided at the ceremonies of swearing in the new court. After a brief review of the sixty years history of the Territorial tribunal by Judge McFie, the new judges were administered the oath of office. Then Ireneo Chaves, deputy United States Marshal, stepped forward and proclaimed:

"Hear Ye! Hear Ye! The honorable Supreme Court of the Territory of New Mexico is adjourned sine die."¹⁶

Thus the Territorial Supreme Court closed its record. During the last year it had disposed of more cases than it

15. Benjamin M. Read, *Illustrated history of New Mexico*, p. 632.

16. *Ibid.*, p. 636.

had passed upon in any two consecutive years before Judge Pope became the presiding officer.

On January 22, President Taft nominated Judge Pope for the position of judge of the United States district court for New Mexico. His nomination was confirmed by the Senate. For four years he served in this capacity.

Judge Pope died on September 13, 1916, in Atlanta, Georgia, where he had been staying at the home of his sister-in-law, Mrs. Philip Weltner, since the latter part of June, 1916, in an effort to recover from pernicious anemia.

—THE END—

Notes and Documents

Dr. F. V. Scholes has been appointed academic vice-president of the University of New Mexico. The appointment marks an important administrative change at the University. In the newly-created position, he will assist the president in all matters relating to educational policy, faculty personnel, curricula, and academic standards and policies formulated by the general faculty. Dr. Scholes, now dean of the graduate school, will assume his duties on July 1.

A native of Bradford, Illinois, he took his bachelor's degree at Harvard in 1919 and subsequently received the M. A. and Ph. D. degrees there. He has been a member of the University faculty at various times since 1925, and has been dean of the graduate school since September, 1945. His academic career also includes teaching at Massachusetts Institute of Technology and Colorado College.

From 1931 to 1946, Dr. Scholes was a member of the Division of Historical Research of Carnegie Institution of Washington. In connection with this research program, he carried on extensive investigations in the archives of Mexico, Spain and other countries. He is the author or editor of several books on the history of the Southwest and Latin-America, including *Church and State in New Mexico*, *Troublous Times in New Mexico* and *Don Diejo Quijada, Alcalde Mayor de Yucatan*.

The Santa Fe Register, February 20, 1948, carries a letter from Mrs. John Livingston (nee Yrisarri) concerning Don José Leandro Perea and his contribution to early education in Bernalillo, New Mexico. In this same issue is a short history of Questa, New Mexico, by Rev. Stanley Crochiola.

The three letters printed below are transcribed from the originals in the *Carson Papers*, Bancroft Library, University of California, Berkeley. Some of the names are well known to students of the History of New Mexico; others, perhaps less well known, have been identified when possible.
F. D. R.

New York, March 7, 1859

Dear Kit:

Yours of a late date came duly to hand & I assure you I was pleased to hear from you.

The importance of news from New Mexico & Pike's Peak is begining to be felt in this Market & the picture looks bright for the great internal Continent of America. You have my best wishes for realizing all that is possible from this new impetus.

Yesterday had a call from Lt Smead.¹ He looks well & is married & also expects soon to be a *father*. He is stationed at Fort Hamilton at the entrance of this harbor. Solomon Beuthner² calls on me often. He has hired the next house to my brother (& of him) & has bought the furniture contained in it. He intends taking possession of it on the 15th proximo. I have introduced him around to some of our Merchants & business men & he is in a fair way of making himself a comfortable & happy home. At present Solomon is in Washington looking after his claims. They say Mosco of the Costillo has got his claim against government passed, So Solomon informs me. From the same authority I learn that by spending a little money any claim which has the least shade of truth on the face of it can be pushed through the Mill at Head Quarters. The Commissioner of Pensions complains that there are too many "*Jesuses*" in New Mexico & he has even hinted that he doubts the existance of so many persons of that name.

They refused my land warrant on the ground of my being in battle after the passage of this Act³ but Solomon has the matter in hand & will no doubt obtain the bounty. Why dont you get a hold of some claims, Come on here & make a speculation. Your popularity can carry this thing through without stigmatizing your character with any stain of dishonor.

I was sorry to learn that Peter Joseph⁴ was in this city & left without my seeing him but this is a mighty big town & a man can easily get lost in it. By the way have you read of our last murder I mean the killing of Benton Key by Mr Sickles for adultery with the latters wife. Sickles is himself a man of easy virtue but still his family is as dear to him as is that of of any other person. Ergo he took the law into his own hands & did what the circumstances required. Sickles I think will get clear. With 50,000 male *ferns* in the mines of Kansas what glorious times the Senoritas of New Mexico will have. We will have some shooting scrapes in Taos. Your young men had

1. Probably John Radcliffe Smead, stationed in the Southwest in the 1850's, killed at Bull Run during the Civil War.

2. "Solomon, Samson, and Joseph Beuthner were early arrivals in Taos after 1846, and had a general mercantile business there."

3. Possibly the Federal law of March 3, 1855, granting bounty lands for war service.

4. A Peter Joseph served on Jury service at Taos in 1847.

Book Reviews

Albuquerque. Erna Fergusson. Albuquerque: Merle Armitage, 1947. Pp. 87. \$2.50.

The author of *Dancing Gods, Fiesta in Mexico, Our Southwest*, and other regional studies of South and Central America and our Southwest, has given us now *Albuquerque*, a biography of a city. Eighty-seven pages of attractive format designed by Merle Armitage, with seven full-page illustrations by Li Browne, the book reflects the brevity and good taste of a pleasant afternoon chat with a charming person who knows and loves her city. It is not a history; the facts will be well known to readers of THE NEW MEXICO HISTORICAL REVIEW, and the author has no need of footnotes. It is not a travel book; nowhere is the reader urged to climax his terrestrial existence with a pilgrimage to this place. It is not a book of reminiscences; though the author is a Native Daughter her vision is not dimmed by any nostalgic mist but is surprisingly clear and objective. In short, it is the simple life story of a city that is at once commonplace and fabulous, ancient and modern, ugly and beautiful—and dozens of other contradictions.

Miss Fergusson briefly traces the two hundred and more years of Albuquerque from the coming of the first agricultural colonizers in their creaking *carretas* down to the days of the B-29's, the Super-Chief, and the atom bomb. She gives a quick but penetrating look at the people, from Juan Candelaria, perhaps the town's first "reporter," to Ernie Pyle. She describes the way of life of the *ricos*, the *peones*, and the in-between people who owned a little land, raised a small garden, tended a few animals, worked if they felt like it—gently, in the spirit of "the land of mañana"—and took both their religion and their superstitions seriously. Much is said, and properly so, of the social stratification still to be observed in the slow amalgamation of Indian, Mexican, Spanish-American, and the various other breeds of "American." And much is also said of the coming of such necessities as the Rotary Club, sanitariums, winter sports, the Univer-

sity and football, community concerts, and immigrant politicians. To this city the new is always being added, but the old does not change. Here an Indian in a wagon dragged by a scrawny horse will pull up at an intersection, wait for the green light, and signal his left turn to the man waiting behind him in the latest Buick.

Much is said, and again properly so in a book of this kind, about folklore. The *curandera* with her charms for healing the sick, the Christmas and Easter festivals and traditional dramas, the *bailes*, and the tales of desperadoes, beautiful ladies, sham battles, local characters—all are here. A bit of folk etymology on the naming of the Sandias (p. 27) should interest natives who are sometimes hard put to explain why these inspiring mountains should bear the name *sandia*, watermelon.

Why do people live in Albuquerque? Because, says Miss Fergusson, they like it. It is as simple as that. People go through Albuquerque and then come back. The writer of this review was one; he started through Albuquerque, stopped for the night, and stayed nearly two years. This book will delight anyone who has seen Albuquerque and anyone who expects to see it. And that takes in just about everybody.

HECTOR LEE

Chico State College
Chico, California

1000 California Place Names, Their Origin and Meaning.
Irwin G. Gudde. Berkeley and Los Angeles: University
of California Press, 1947. Pp. vii, 96. \$1.00.

This interesting little book is based upon Mr. Gudde's manuscript of *California Place Names*, a geographic dictionary of more than 5,000 names to be published in 1948. The stories behind place names often have considerable historical and human interest. Those of California are of widely varied origin and reflect its colorful history under Spanish and American rule. The forthcoming dictionary would therefore be valuable both to specialists and laymen. No doubt certain

flaws in the present publication will be corrected. For example, considerable care should be taken to distinguish local usages of Spanish and Spanish-Mexican terms from their original or more widely accepted meanings.

ELEANOR ADAMS

Carnegie Institution of Washington

The Grassland of North America: Prolegomena To Its History. James C. Malin. Lawrence, Kansas, The Author, 1947. Pp. viii, 398. \$3.00.

This is a study of the area usually known as the Trans-Mississippi West, or Great Plains, bounded by the first tier of states west of the Mississippi where the forest belt ends, at the east, and by the Rocky Mountain foothills where the more arid desert belt begins, at the west. When first found by the European at the opening of the sixteenth century its vegetational cover was grass rather than forest. This book is bound to be compared with W. P. Webb's on the same area. But Malin's method is to give greater stress to the ecological, agronomical, and geographical factors than has hitherto been done, seeking to point out the new tools and evidence which these sciences can bring to the aid of the historian.

The present book is closely related to one entitled *Essays on Historiography* by the same author in 1946, and is to be supplemented by a future work on fuel and housing in the grassland. He points out that the grassland extends eastward to Ohio and Kentucky and westward to the inland empire of the Pacific Northwest, northward into Canada and southward into Mexico. But chief emphasis is given to the High Plains, rather than to the "tall-grass prairie" east of the 96 meridian. Malin gives due credit, where credit is due, to pioneer students of the grassland plains, ecologists and physiographers as well as historians, such as N. S. Shaler, J. W. Powell, F. J. Turner, W. P. Webb, and numerous others less well known. But wherever he believes there are inadequacies in either the facts or interpretations of other scholars, those of an earlier day or

contemporaries, he is ready to point out such weaknesses and direct future students to paths where further research is needed.

Part one of the book is devoted to a survey of the natural sciences that have a bearing on the relations of man with his geographical setting in this region. The development of each of the sciences is approached historically, and their interrelations with the main course of social change is shown. Such sciences are included as plant, animal and insect ecology, microbiology, soil agronomy, geology and geography, and regional equilibrium. Part two deals with historiography, sketching the significance of various writers who have written on the history and physical geography of the plains, and how the growth of regional scientific knowledge has affected social theory and effective agricultural settlement.

Especially effective are his sections debunking the "plow to desert" mythology and related propaganda of the Tugwell bureau, with its posed photographs and film "The Plow that Broke the Plains," and of books such as *Plowman's Folly* and *Grapes of Wrath*, in his chapter on "Desert Equilibrium." Similarly the vagaries of political geographers of the "environmental determinism" school, who at will can attribute any desired type of government or social organization to geography and climate, are well demonstrated in his chapter on "Science and Social Theory."

It is a coincidence that this book appears in the same year as Toynbee's condensed Study of History. Toynbee or a similar future Toynbee might well find much grist for his mill in this interpretative guide for regional historiography by Malin. Lithoprinted from the author's typescript, in appearance and ease of reading the printing is quite adequate—a method which is apt to become more common in these days of inflated costs.

AUSTIN E. HUTCHESON

University of Nevada

The Historical Society of New Mexico

Organized December 26, 1859

PAST PRESIDENTS

1859 — COL. JOHN B. GRAYSON, U. S. A.

1861 — MAJ. JAMES L. DONALDSON, U. S. A.

1863 — HON. KIRBY BENEDICT

adjourned sine die, Sept. 23, 1863

re-established Dec. 27, 1880

1881 — HON. WILLIAM G. RITCH

1883 — HON. L. BRADFORD PRINCE

1923 — HON. FRANK W. CLANCY

1925 — COL. RALPH E. TWITCHELL

1926 — PAUL A. F. WALTER

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FRANK D. REEVE

FRANCE V. SCHOLES

ALFRED B. THOMAS

PAUL A. F. WALTER

CONSTITUTION

OF THE

HISTORICAL SOCIETY OF NEW MEXICO

(As amended Nov. 25, 1941)

Article 1. *Name.* This Society shall be called the Historical Society of New Mexico.

Article 2. *Objects and Operation.* The objects of the Society shall be, in general, the promotion of historical studies; and in particular, the discovery, collection, preservation, and publication of historical material especially such as relates to New Mexico.

Article 3. *Membership.* The Society shall consist of Members, Fellows, Life Members and Honorary Life Members.

(a) *Members.* Persons recommended by the Executive Council and elected by the Society may become members.

(b) *Fellows.* Members who show, by published work, special aptitude for historical investigation may become Fellows. Immediately following the adoption of this Constitution, the Executive Council shall elect five Fellows, and the body thus created may thereafter elect additional Fellows on the nomination of the Executive Council. The number of Fellows shall never exceed twenty-five.

(c) *Life Members.* In addition to life members of the Historical Society of New Mexico at the date of the adoption hereof, such other benefactors of the Society as shall pay into its treasury at one time the sum of fifty dollars, or shall present to the Society an equivalent in books, manuscripts, portraits, or other acceptable material of an historic nature, may upon recommendation by the Executive Council and election by the Society, be classed as Life Members.

(d) *Honorary Life Members.* Persons who have rendered eminent service to New Mexico and others who have, by published work, contributed to the historical literature of New Mexico or the Southwest, may become Honorary Life Members upon being recommended by the Executive Council and elected by the Society.

Article 4. *Officers.* The elective officers of the Society shall be a president, a vice-president, a corresponding secretary, a treasurer, and a recording secretary; and these five officers shall constitute the *Executive Council* with full administrative powers.

Officers shall qualify on January 1st following their election, and shall hold office for the term of two years and until their successors shall have been elected and qualified.

Article 5. *Elections.* At the October meeting of each odd-numbered year, a nominating committee shall be named by the president of the Society and such committee shall make its report to the Society at the November meeting. Nominations may be made from the floor and the Society shall, in open meeting, proceed to elect its officers by ballot, those nominees receiving a majority of the votes cast for the respective offices to be declared elected.

Article 6. *Dues.* Dues shall be \$3.00 for each calendar year, and shall entitle members to receive bulletins as published and also the *Historical Review*.

Article 7. *Publications.* All publications of the Society and the selection and editing of matter for publication shall be under the direction and control of the Executive Council.

Article 8. *Meetings.* Monthly meetings of the Society shall be held at the rooms of the Society on the third Tuesday of each month at eight P. M. The Executive Council shall meet at any time upon call of the President or of three of its members.

Article 9. *Quorums.* Seven members of the Society and three members of the Executive Council, shall constitute quorums.

Article 10. *Amendments.* Amendments to this constitution shall become operative after being recommended by the Executive Council and approved by two-thirds of the members present and voting at any regular monthly meeting; provided, that notice of the proposed amendments shall have been given at a regular meeting of the Society, at least four weeks prior to the meeting when such proposed amendment is passed upon by the Society.

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Palace of the Governors, Santa Fe

October, 1948

Editors

FRANK D. REEVE

PAUL A. F. WALTER

Associates

PERCY M. BALDWIN

GEORGE P. HAMMOND

FRANCE V. SCHOLES

THEODOSIUS MEYER, O.F.M.

ARTHUR J. O. ANDERSON

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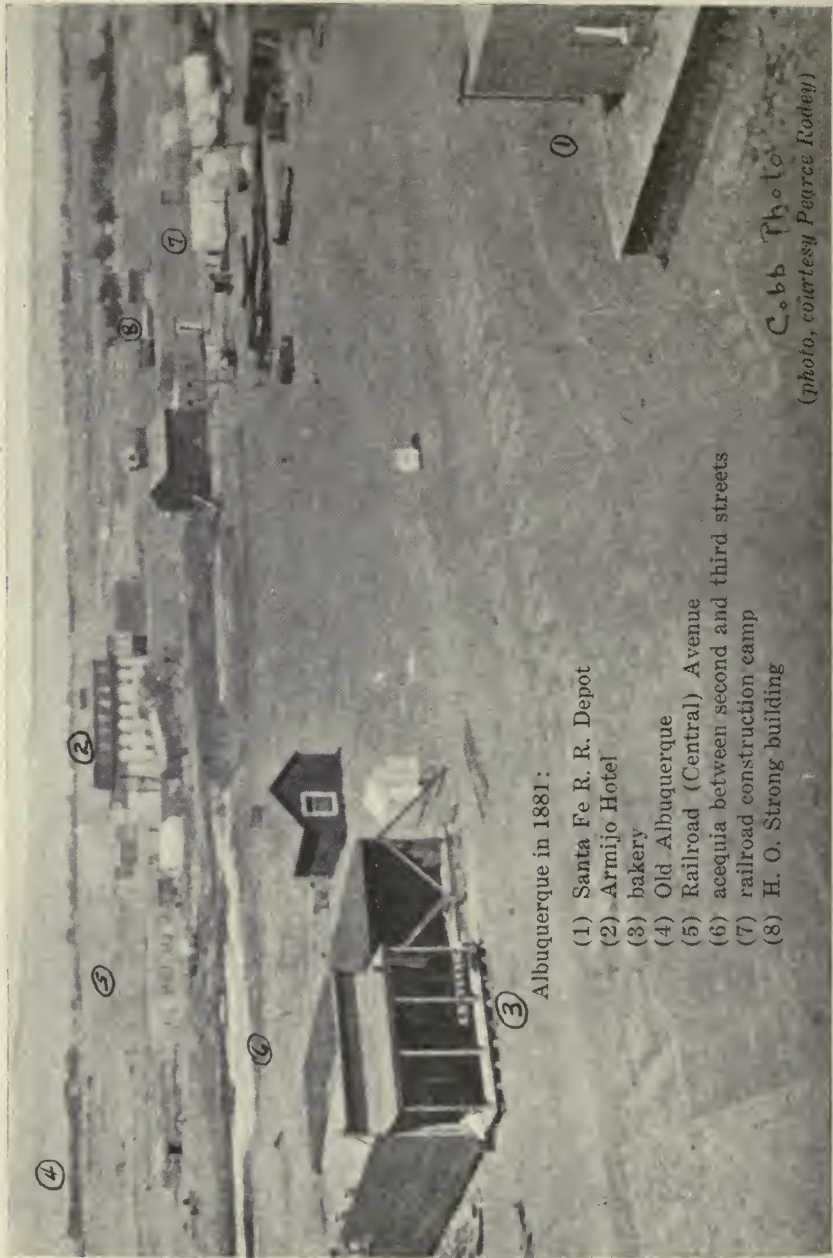
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Business communications should be addressed to Mr. P. A. F. Walter, State Museum, Santa Fe, N. M.; manuscripts and editorial correspondence should be addressed to Prof. Frank D. Reeve, University of New Mexico, Albuquerque, N. M.

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Albuquerque in 1881:

- (1) Santa Fe R. R. Depot
- (2) Armijo Hotel
- (3) bakery
- (4) Old Albuquerque
- (5) Railroad (Central) Avenue
- (6) acequia between second and third streets
- (7) railroad construction camp
- (8) H. O. Strong building

Cobb Photo
(photo, courtesy Pearce Rodey)

NEW MEXICO HISTORICAL REVIEW

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No. 4

ALBUQUERQUE IN THE 1870's

By VICTOR WESTPHALL *

FROM its very beginning the fortunes of Albuquerque were linked with transportation. It was on the main trade route from Chihuahua, Mexico, to Santa Fe. The first connection with the United States was by way of the Santa Fe trail, and dates from about the time of the Mexican revolt from Spain in 1821, when Spanish colonial restrictions on foreign commerce were removed. Soon after the American occupation of New Mexico in 1846, as a strategic move in the Mexican war, the United States Army made Albuquerque a hub for military movements. The town was maintained in this capacity until late in the 1860's. Here was located an army control point from which radiated a military network. The commissary furnished supplies for distant frontier posts in New Mexico and Arizona, and from its garrison aid was sent, when needed, to points exposed to attack by Indians. The occupation forces were quick to recognize the town's central location in the fertile valley of the Rio Grande and its natural position of accessibility from all points of the compass.

During this period Albuquerque gained its reputation as a freighting center, but instead of the whistle and bell of the later freight engines, the town plaza resounded to the bawling of oxen and the braying of mules, and perhaps to the cursing of drivers as they nursed their charges the last weary yards of the long and dusty trip from the States.

* Mr. Westphall is a teacher in the Albuquerque High School, Albuquerque, New Mexico. This article is based on his *History of Albuquerque 1870-1880*, Master of Arts Thesis, University of New Mexico, 1947. Ms.

On the 27th of July, 1866, Congress authorized a grant of land to the Atlantic and Pacific Railroad Company and empowered the incorporators to locate and construct a continuous railroad and telegraph line beginning at or near the town of Springfield, Missouri, proceeding by the most eligible railroad route to a point on the Canadian river, and on to the town of Albuquerque on the Rio del Norte. From Albuquerque the route was to follow the thirty-fifth parallel of latitude, as near as might be found most suitable for railroad construction, to the Colorado river and on to the Pacific. The people of Albuquerque were well aware of the significance of their strategic position astride the proposed thirty-fifth parallel route to the Pacific, and for a number of years the specific inclusion of the town in the charter of the A. & P. caused them much hope for the future.

In 1867 a group of railroad engineers under General W. W. Wright ran a preliminary survey through Albuquerque. They planned for their line to approach the town through Tijeras canyon and noted the moderate grade from there to the Rio Grande. Then, as later, a big question was whether the railroad should go south along the valley of the Rio Grande before turning west or whether it should strike out directly on the thirty-fifth parallel route. The railroad people favored the thirty-fifth parallel.

In July, 1871, an A. & P. party, under escort of United States troops, reached Albuquerque. Business immediately boomed, but not for long.

By October, 1871, the A. & P. had built to Vinita, Indian Territory, thirty-five miles west of the Missouri state line, but that was as far as it extended until it was reorganized and absorbed by the Atchison, Topeka & Santa Fe Railroad Company in 1880. The people of Albuquerque were slow to understand or admit that their dreams were not to be realized from this source. Here was a railroad that in its charter specified it was coming to their town, and it was no easy matter for them to abandon the thought that it would surely come.

Early in 1872 the previously mentioned survey party determined the best crossing of the Rio Grande to be at

Isleta, about twelve miles south of Albuquerque. In subsequent railroad planning this judgment was never questioned, not even by other railroad companies, and it is fitting that the ultimate crossing of the river at that point was destined to be made by the A. & P., although it had meanwhile come under the control of the A. T. & S. F. The latter company eventually finished the line from Vinita, where the A. & P. had been forced to stop, on to Albuquerque. The A. & P. then continued westward along the thirty-fifth parallel of latitude, under the control of the A. T. & S. F.

The A. T. & S. F. had started to build in 1869. During that year it built the 27 miles from Topeka to Burlingame, Kansas. The following year it added another 34 miles in the direction of Albuquerque and reached Emporia, Kansas. By July of 1871 it had added another 74 miles and was at Newton, Kansas. The people of Albuquerque were so engrossed with the idea of the A. & P. passing through their town that it was not until about this time that they paid much heed to the progress of the other railroad. However, in August, 1871, they did take notice of this company because of reports that their road was to be finished to camp Nicholas by the following March. Camp Nicholas was near the Santa Fe trail at the point where it crossed the New Mexico line. This would place Albuquerque within a distance of 280 miles from the railroad, or a 14 day's trip by ox train. With mules or horses the time would be proportionately shorter.

The national scene took the spotlight with the depression of 1873. The Santa Fe people had been slowed down in 1872 and now they were forced to cease construction. In the five years between 1873 and 1878 the A. T. & S. F. built only thirty-five miles of track in the direction of Albuquerque. This was from Granada to La Junta, Colorado. The depression had lifted enough by 1875 so that the A. T. & S. F. could lay other tracks to nearby points in Colorado, and this was one of them. However, in Albuquerque the depression days continued until the railroad again started toward that town.

The spring of 1878 brought some change in the business

conditions of Albuquerque. Spiegelberg Bros. branch house had come to town and was setting the pace for business competition. This was two months after the A. T. & S. F. officials had decided to bargain with Uncle Dick Wootton for his toll road through Raton pass. The railroad was now started down the last stretch of this historic old Santa Fe trail and it was certain of coming to New Mexico and the Rio Grande valley.

In February, 1878, A. A. Robinson and Lewis Kingman, chief engineer and chief surveyor respectively of the A. T. & S. F., were in New Mexico looking for the possibilities of locating a main division point somewhere on the Rio Grande. They had in mind the possibility of building south and west from such a point. It is certain that they were aware of previous surveys of the thirty-fifth parallel route and very likely they were looking over the ground for themselves; consequently, they were alert to any prospects that might be available. Bernalillo, sixteen miles north of Albuquerque, was one feasible location for such a division point. On their way down the valley, Robinson and Kingman stopped by to see Don José Leandro Perea, a scion of the *conquistadores*, who was the principal landowner of that town. They approached Don José on the subject of land for a right-of-way and his price was \$425 an acre for land not worth over two or three dollars. This of course did not interest Robinson in the least and the little party of railroad pioneers went on down the valley to Albuquerque where railroad men had planned to build since 1866. For a few hours on that February afternoon it was possible that Bernalillo had within her grasp the makings of a railroad town; but railroad men are realists and when old Don José Leandro quoted his price, Bernalillo was struck from the list of possible division points for once and all.

The citizens of Albuquerque were well aware that just because their town had been named in the A. & P. charter was no certain indication that the Santa Fe line would likewise be inclined to favor this location for a division point. It was entirely possible that they might go on past Albuquerque to Isleta where the A. & P. had previously planned

a crossing of the river. No decision was made on this point until the A. T. & S. F. took over the A. & P. in 1880. It was not until March of that year that any right of ways were purchased in Bernalillo county.

In May of 1878, word had gotten around that there would be work that year for any number of men and teams in southern Colorado and in New Mexico. Contracts had been let for grading and track laying to Clifton, New Mexico. Further contracts were expected in the near future. Stock was on sale for the New Mexico and Southern Pacific Railroad Company, a subsidiary of the A. T. & S. F., which planned to build from the north line of New Mexico, commencing at Raton pass and running via Las Vegas to Albuquerque. The estimated cost of this road was \$2,621,000. From La Junta to the New Mexico line the railroad was called the Pueblo and Arkansas Valley.

By December 7, 1878, rails had reached the New Mexico boundary and soon thereafter Albuquerque was beginning to feel the impulse consequent upon the approach of cheap and rapid transportation with the East. There was more of a stir upon her streets. New faces appeared at every turn as travelers came and went with greater frequency. Rents and property values were rising and real estate owners were starting costly improvements. Everyone was sanguine of better times in store.

In April, 1879, the A. T. & S. F. asked Las Vegas for ten thousand dollars in cash, a right of way from the south line of the Maxwell land grant to the south side of Las Vegas, thirty acres of ground for a depot, and a half interest in four hundred acres of land for an addition to the town. The people of Las Vegas were reluctant to accept the last stipulation because they feared that the railroad intended to build an entirely new town and leave the old town "out in the cold." This set the people of Albuquerque to speculating whether it would be better to pay the whole cost of erecting a new town and having the railroad come there or whether it would be better to let the railroad company select their own site without paying a subsidy, and then paying the railroad for the privilege of building on the same. The

people were in a quandary about making permanent improvements in their town. They did not know what to do about it at that time so mostly they simply waited.

By July 4, the railroad engineers had mastered the difficulties of construction through Raton pass and the first train of the N. M. & S. P. rolled into Las Vegas. From that time on changes in Albuquerque were rapid and it is well to catch a glimpse of the town as it existed before these changes set in. There was but little change from almost a decade before. Instead of the ten general mercantile businesses of 1870, there were now eleven. The leading merchants at this time were Franz Huning and Stover and Company. In 1870 the town had five lawyers and two doctors while now there were three of each. John Murphy's was still the only drug store. William Brown had dropped his advertisement as a chiropodist and dentist and was confining himself to the barber trade. He was still the only barber in town. Two blacksmith shops had been added to the one owned by Fritz Greening in 1870, while Wm. Vau and Wm. H. Ayres still had the only carpenter shop. Of bakeries there were still only two, however there were now three butcher shops instead of the one owned by Tom Post a decade before. There was still only one saloon but the merchants continued to sell liquor by the gallon. Major Werner had abandoned his hotel venture when his work as notary public and probate clerk began to take all of his time. That left two hotels owned by Tom Post and Nicholas Armijo respectively. This was one more than there had been in 1870. A few new ventures had been started since the beginning of the decade. There was one watchmaker or mender, one tailoring establishment, and two cobblers.

Such was the picture of Albuquerque on July 4, 1879, when the railroad reached Las Vegas. A decade of railroad expectations had done but little to augment the physical growth of the town, but as the gap to railway connections narrowed, the town's growth increased at an ever accelerating pace. Early in the year the people had begun to discuss the question of just where the railroad would lay its tracks in relation to the established town. As the railroad drew

nearer this problem became more acute and finally on July 8, 1879, a meeting of the prominent townsmen was called in regard to the possibility of granting a free right of way to the N. M. and S. P.

Rev. D. M. Gasparri, S.J., made probably the most accurate observations and remarks of all those gathered at this meeting. His statements on that day were significant for the future, although he had in mind only the motive of protecting some of the less fortunate members of his parish. Father Gasparri explained that irrigation land is valuable and that a 200 foot right of way through the property of the poorer farmers of the valley would be a definite hardship to them, whereas they were not the ones who stood to gain the most from the railroad. He continued by saying that these poor people could not afford to donate their scant property to the railroad company, that the wealthier members of the community should contribute toward the purchase of these lands from the poorer people, and that the grant could then be made to the railroad company. He also pointed out an alternative. It might be possible, he continued, that by a petition or for a money consideration the railroad could be induced to lay its tracks above the acequia near the bluffs on the east side of the valley. The ground there would be a little more difficult to grade but, not being under cultivation, there could be little question about giving it to the company. A committee was then appointed to consider the matter and the meeting was adjourned.

Actually this meeting was superfluous because nothing was ever done about the right-of-way. No inducement was offered to the railroad people and they built their line exactly where it was most convenient for them to do so. People of the present, who conjecture on why the tracks were laid down a mile or so away from the town that existed at the time, overlook a basic railroading principle. Railroad tracks are best laid in straight lines. The old town was situated inside a bend in the Rio Grande and it would have meant just another curve in the tracks to have reached the town. There just simply wasn't the inducement to do this!

It is interesting to note that Santa Fe and Grant coun-

ties voted bonds to have the railroad build branch lines to Santa Fe and Silver City respectively. It wasn't necessary for Albuquerque to do this because the town was little more than a mile from the logical right-of-way which avoided both the bluffs and the bend in the river. Not many people in Albuquerque thought of this at the time and the few who did profited by their astuteness.

By September of 1879 grading was completed well below Las Vegas and track was being laid on that section of the line. On the 20th of September Don Miguel A. Otero and Governor Anthony of Kansas were in town and rumors were rife as to the purpose of their visit. It is probable that they were quietly trying to start the machinery for the raising of a bond issue. A week later it was reported that General Palmer at the instance of Jay Gould, the famous railroad man, had sent out assurances that the funds, iron, and everything necessary had been secured in order to extend the Denver and Rio Grande narrow gauge to Albuquerque immediately. Nothing more was heard of a bond issue for the N.M. & S. P., if indeed that had been the purpose of Señor Otero's visit the week before.

During November the D. & R.G. made public announcements requesting proposals for ties and grading as far as Albuquerque. At this time the European restaurant opened for business and Henry Springer started his new Mint saloon, the feature of which was a superb Monarch billiard table.

During the months of September to December Franz Huning had been buying up a tract of about 700 acres of land in the area south and east from the old town. The present day boundaries of this area are: a line beginning at the Rio Grande, near the middle of present day Tingley Conservancy Beach, running 200 feet west of and parallel to present day Laguna Boulevard which extends northeastward to join Central Avenue at Sixteenth street; from there southeast along Central Avenue to Tenth Street; from there the boundary followed the old Barelás road and acequia which today is approximated by a line from Central Avenue and Tenth Street a little east of south to a junction with the

northern end of present day Barelás Road and southward on this road to a point south of Barelás bridge, where Second Street today is closest to the river, and where the acequia approached the Rio Grande; from there northwest along the Rio Grande to the starting point at Tingley beach. He offered this area to the railroad for a price they would not pay. The natural route for a railroad was somewhat east of this area. The N.M. & S.P. planned to build at this more easterly location; but the D. & R.G. planned a terminal in the vicinity of Mr. Huning's property, so it is probable that his negotiations were with them. Whether they could not or would not buy this property is not certain. We shall see that Huning was too smart to be caught backing the wrong horse because he also had excellent connections with the N.M. & S.P.

By the end of 1879 trains were running forty miles south of Las Vegas and within eighty miles of Albuquerque. Grading was proceeding rapidly. The advance guard of the railroad—laborers, speculators, traders, contractors, etc.—had already come to town, and it was expected that the line would be completed by the fifteenth of March of the following year. The railroad fever was raised to a new height by the arrival of surveying parties from both the N.M. & S.P. and the D. & R.G. companies; both parties were engaged in running imaginary and real lines for their respective railroads. There was so much engineering and stake driving that the landscape took on the appearance of an immense farmer's harrow with innumerable rows of teeth. This tentative planning placed the N.M. & S. P. where it is now located (that is, the present day A.T. & S.F. railroad), while the D. & R.G. was projected to about Fourteenth Street or the vicinity of the old Huning Castle.

The street leading by Huning's mill to the proposed N.M. & S.P. depot grounds was appropriately named Railroad Avenue and is the present day Central Avenue. It was believed that this would be the principle thoroughfare of the town, so Franz Huning and Fritz Greening were busily engaged making such improvements as street widening and new bridges. Albuquerque was rapidly losing its ancient

appearance and taking on those aspects which invariably accompany American progress. New faces were to be seen daily and the monotony of the past was giving way to hurry and busy preparation for the future. Old buildings were being remodeled, new buildings were being erected everywhere, and property was changing hands at prices never dreamed of ten years before. Thus the year 1879 drew to a close and the scene was set for some remarkably rapid action during the early months of 1880.

Shortly after the new year chief engineer Robinson designated a desirable location for the N.M. & S.P. depot grounds. This was at a point on the east end of Railroad Avenue, some two hundred yards west of the branch of Los Barelas Acequia, which was situated west of the railroad tracks, and right on the direct road to Tijeras Canyon. It was planned to occupy a space 500 feet wide and 1,000 yards long, crossing at right angles to Railroad Avenue and running south from it. The depot building and car sheds were to occupy a space fronting on the Avenue, about 200 feet wide and extending north about 200 yards. This location was later changed to the present site of the depot south of Central Avenue. It was expected that the whole of Railroad Avenue would soon be built up over its entire length from the town to the proposed depot site. It was rumored that railroad officials would soon be on hand to buy the right-of-way, but no transactions were made in Bernalillo county until March. In the meantime a great deal was happening.

In March and early April Franz Huning, William C. Hazeldine, and Elias Stover were furiously buying up land between Barelas road and the proposed depot site. This was the area later to be known as the *original town site*. It seems certain that these three Albuquerque citizens were acting under the auspices of the New Mexico Town Company (a subsidiary of the N.M. & S.P. Railroad Company) which was organized on March 3, 1880. Hazeldine was an attorney for the Santa Fe railroad, while Stover was one of the original backers of the railroad company and one of the incorporators of The New Mexico Town Company. This trio made a perfect foil for acquiring the right-of-way land on a basis

which made it appear that some of the town's citizens were promoting the deal, and it thus took on somewhat the proportions of a civic enterprise. The railroad, as has been previously explained, was somewhat limited in the area over which it could most conveniently lay track, and it was to its interest to acquire a right-of-way through this area without paying an exorbitant price. During March the railroad bought up most of the right-of-way north of Albuquerque and at the same time Stover, Hazeldine and Huning were buying up land for right-of-way, and for the town site near Old Albuquerque. The railroad did not oppose these purchases in any way.

The land which comprised the actual depot grounds was purchased by these three between March 6 and April 3. Only two persons refused to sell and they were dealt with separately by the railroad itself. They were Antonio Candelaria and Ignacio Lopez. On April 9 and 10, Huning, Hazeldine, and Stover deeded their holdings to the N.M. & S.P. for \$1.00. Furthermore, on May 8, they deeded the whole of the *original town site* to the New Mexico Town Company, likewise for \$1.00. At the same time the three men had an agreement with the New Mexico Town Company whereby they were to receive jointly from the Company one-half of all net profits derived from the sale of lots situated on lands owned by said Company. The same contract listed Wm. E. Talbot and Mariano Armijo as agents for the sale of this property. In this manner the railroad got out of what could have been an embarrassing situation and our farsighted trio acquired an excellent business proposition. The town had refused to vote a bond issue, and it is quite possible that some individuals might have held out for prohibitive prices for their land had they been approached directly by the railroad agents instead of by citizens of the town. At the same time it is hardly necessary to point out the business advantages to be gained by all concerned from the sale of lots in the original town site.

Eventually the original town site, which is the present-day business district, came to be called New Albuquerque. However, that name was first applied to a plat of ground

called the Stover addition. This land was situated southwest from and adjoining the Old Town. It was south of Railroad Avenue (Present-day Central) and west of Barelás road which at that time extended northwest from the north end of present-day Barelás Road to a junction with Central Avenue at Tenth Street. It had been purchased by William Talbot and Mariano Armijo who laid it out with six streets running east and west and eight north and south. Just as Franz Huning prepared for the coming of both railroads, so did Talbot and Armijo have the same idea because this property was in the region favored by the D. & R.G. It has already been pointed out that they later became agents for the New Mexico Town Company.

All this development was taking place while the N.M. & S.P. was progressing steadily. By February 9 it had reached Galisteo, sixty-seven miles from Albuquerque, and was moving ahead at the rate of about a mile a day. The D. & R.G. had not yet given up and Albuquerqueans were counting on the competition two railroads would afford.

Albuquerque was now a busy little town indeed. The Central bank had been organized with Jefferson Reynolds as president, and instead of one saloon there were now fifteen. There were two hardware stores, a saddlery, a shoemakers shop, two Chinese laundries, six architects and builders, about twenty carpenters, two seamstresses, two pawn brokers, two wholesale liquor stores, a planing mill, a grist mill, two drug stores, half a dozen restaurants, a tan yard and wool pulling house, a sash door and blind store, and the professions were represented by five doctors, six lawyers, one assayer, and one editor. With the approach of the railroad, mining activities were rapidly increasing. In 1869 there were two mining claims filed and in 1871 just one. The next record is 1875 when there was one claim filed and there were no others until 1880, the year the railroad arrived. In 1880 there were no less than 137 claims! The population had nearly doubled in the past decade and most of this was during the year before the railroad arrived.

By April 3 the tracks were only two miles north of

town and the last rail was laid about 4 P. M. on April 5, 1880. On the sixth a train of freight cars, loaded with stores and supplies for the contractors, pulled into the depot grounds. At last Albuquerque had a railroad, but negotiations with the authorities as to a proper date for the reception celebration were delayed for several days, and the official welcoming was not held until the twenty-second.

The railroad boarding car and camp moved in on the 7th, and on the 8th grading was started southward in preparation for the tracks of the A. & P. Sleepy Old Albuquerque had never seen anything like this before! An era of progress had arrived.

When the tracks were only a few miles away on April 3, a meeting was called to discuss Albuquerque's railroad reception. The meeting was called to order by Judge Hazeldine, and Franz Huning was elected to the chair. Other officers were then selected, among them were Elias Stover and Santiago Baca, Vice Presidents, and Major Werner, Secretary. The various committees set to work and within the following week financial arrangements had been made. The invitations committee had arranged with the officials of the N. M. & S. P. for the reception to be held on April 22. At the same time the program was arranged and everything was in readiness for the gala event.

Daylight of the 22nd found the plaza decorated with flags and before the noonday hour the battery announced, in thunderous tones, the commencement of the ceremonies. By noon the procession had formed and proceeded to the depot where the different officers were provided with a couple of flat cars for a platform. When the special train arrived, with the railroad officials and four hundred invited guests from Bernalillo, Santa Fe, and other points, those who could mounted the platform and listened to the addresses. The rest of the large gathering remained in carriages or gathered on other flat cars nearby.

Franz Huning, president of the day, called the meeting to order and resolutions were read in English and Spanish. Don Miguel Otero, Vice President of the A. T. & S. F., responded on behalf of the railroad company, and Judge Hazel-

dine followed with the best speech of the day. His words ably summed up the attitude of the people toward the railroad:

When on this eventful morn the first struggling beams of light broke over the brow of yonder range of mountains, grave sentinels standing guard eternally over our beloved and fertile valley, the day was born that was to be the day of all days for Albuquerque, the Queen City of the Rio Grande, a day long expected and anxiously looked forward to by the friends of progress and advancement, a day ever after to be known and remembered as that on which our ancient city of Albuquerque, after having attained years of maturity—for our Queen City is no infant, having reached a healthy and robust youth long before our patriotic forefathers had made that glorious and successful bid for freedom which released them from the galling and oppressive yoke of tyranny, and ushered into the world that new nation which was to be the cradle of liberty, the home of freedom, and the refuge of the oppressed, and of which it is our good fortune to be citizens—was through the pluck, vim and enterprise of the management of the A. T. & S. F. RR. connected with the rest of the civilized world. . . .

I know full well that comparisons are odious but for one moment let us look back on the not too far off days when it took from three to six months of perilous travel across the trackless prairie, surrounded by dangers of all kinds and in constant dread of attack from bloodthirsty Indians, to transport the goods of the merchants from the Missouri river here; when it required from twelve to twenty days of constant and uncomfortable staging for a passenger to travel the same distance by coach; when one mail per month was the maximum given our people; when telegraphs were unknown, and railroads a myth (and many of my hearers can remember those times) and compare the old with our situation today, when we can take our seats in Albuquerque aboard a palace car and be comfortably conveyed to Kansas city in less than fifty hours from the time we take our parting glance at the glistening waters of our own Rio Grande.

Today the new civilization of the east is brought into contact with the ancient civilization of New Mexico. Today the bell of the locomotive tolls the death knell of old fogginess, superstition, and ignorance, and proclaims in clairion notes that henceforth knowledge, education, advancement and progress shall be the right of our people. Are we in Albuquerque prepared to take advantage of this opportunity, and make this the epoch in the history of our town? I answer unequivocally, we are. We have within ourselves the necessary elements of success. Our town is located in the right place and occupies a commanding position, and is therefore bound, if we put forth the proper efforts, to become the railroad center of New Mexico. Our people are alive and earnest, and knowing that they hold their destinies in their own hands, they have the right material in them to

work it out, and will, in the future as in the past, pull together for the common good. Now that this mighty factor in the affairs of nations and states, the railroad, has come to our door, New Mexico will no longer be known as *Terra Incognita*. Writers in leading New York papers will no longer say, as they did a few years ago, that it ought to be annexed to the United States. Letters will not be written asking us at what time the steamboats arrive at Santa Fe, nor will old world lawyers, in drafting legal instruments, locate New Mexico in South America, but it will be the promised land toward which the eyes of the emigrant will be longingly turned. The invalid will seek our territory to repair his shattered health and the capitalist will come here to swell his gains. The artist will come here to paint our magnificent scenery, the miner to unearth the immense wealth now hidden in her rugged breast, the man of leisure to enjoy life in this glorious climate, where the main fact of existence is a pleasure; and where can the requirements of these various classes be so well supplied as in our own city? We have a climate unsurpassed by any other locality in or out of New Mexico, we have all the advantages of society, churches and schools, grand and picturesque scenery, of mountains full of precious metals, of stores of every class and description, of wideawake and enterprising business men, and a population ever ready to extend the right hand of friendship and goodwill to the worthy newcomer. I am sure that you will each and every one concur with me, and that I will express the popular sentiment when I say that to the officers of the A. T. & S. F. RR. we offer our sincere congratulations upon this auspicious occasion, when after surmounting untold difficulties, and the expenditure of vast amounts of money, you have at last completed your road to Albuquerque. . . .

After more speeches, everyone climbed aboard the train for an excursion to Bernalillo. Within half an hour the whole ten cars of people were enjoying the hospitality of their neighboring town. A sumptuous repast was spread before them and the hungry and thirsty excursionists did it ample justice. More speeches followed. At this point good cheer was flowing freely and representatives of the two towns agreed to bury the hatchet and henceforth live in peace and goodwill toward each other. Then everybody again climbed aboard the train and Albuquerque was soon reached. The assemblage adjourned to the Old Town Plaza, and shortly spirits were really "high," for on the plaza were several barrels of wine with tin cups chained to them. The public was invited to drink their fill as the program proceeded. At sunset "loud roared the dread artillery"; once more music

filled the air and when darkness threw its mantle over the town, fireworks filled the sky with a brilliant display. Judge Trimble succeeded the pyrotechnics with an oratorical exhibition. He was followed by Governor George B. Anthony, Judge Prince, and Don Tranquilino Luna. Father Gasparri was the last speaker on the program and he fittingly pointed out that the railroad had entered Santa Fe first as the head and capital of the territory, but that it entered Albuquerque as the heart and center from which the blood of life flowed to nourish the whole body.

The reception came to a happy end, and the town had its railroad. Some of the business houses of Old Albuquerque cheerfully moved nearer to the railroad depot; a few dourly refused to budge and became part of the tradition that maintains Old Albuquerque's bright light as a chapter in the romantic history of the Southwest. Through the whole story shines the one clear fact that Albuquerqueans realized their possible modern progress was to be inevitably linked with the coming of railroad transportation. They were fully aware that this same railroad would strangle and stunt the development of their beloved Old Town, but they were willing to make this sacrifice for the sake of the better economy a railroad would afford.

PURITAN AND APACHE: A DIARY

Edited by FRANK D. REEVE

Introduction

HENRY M. LAZELLE was born in Enfield, Massachusetts, September 8, 1832.¹ He entered the United States Military Academy on July 1, 1850, and graduated July 1, 1855, standing number thirty in his class. He started on his army career with the rank of Bvt. Second Lt. in the 1st Infantry, stationed at Fort Columbus, New York. In November, 1855, he arrived at Fort Bliss,² Texas, for duty and served on the Southwestern frontier until the outbreak of the Civil War. Meanwhile, he had been transferred to the 8th Infantry, October 9, 1855, with the rank of Second Lt.

During his term of service on the Southwestern frontier, Lt. Lazelle participated in the Bonneville campaign against the Apache in the spring of 1857, and in the summer of 1858 he saw service against the Navaho. When the Mescalero Apache raided San Elizario in 1859, Lt. Lazelle with a detachment of thirty men started in pursuit on January 31 to recover stolen stock. He was defeated by the Indians in Dog Cañon, in the Sacramento Mountains, with a loss of three killed and seven wounded, with himself included among the wounded.³ On June 17 of that same year, he led a detachment from Anton Chico, New Mexico, on the upper Pecos river, along the right bank of that stream to Fort Lancaster, Texas.⁴ Either before or after that mission, he marched to Fort Smith, Arkansas. The following year he

1. The bulk of the biographical material on Lazelle was obtained through the courtesy of B. F. Evans, Jr., Lt. Col., Infantry, United States Military Academy, under date of December 29, 1947. Other sources of information are: Association of Graduates (U. S. M. A.), *Annual Report, 1918*; Appletons' *Cyclopaedia of American Biography*, 1887; Francis B. Heitman, *Historical Register and Dictionary of the United States Army*, vol. 1 (Washington, 1903).

2. For the military history of Fort Bliss see M. H. Thomlinson, *The Garrison of Fort Bliss, 1849-1916* (Hertzog & Resler, Printers, El Paso, Texas, 1945).

3. Frank D. Reeve, "The Federal Indian Policy in New Mexico, 1858-1880," *NEW MEXICO HISTORICAL REVIEW*, IV, 261 (July, 1938).

4. A. B. Bender, "Government Explorations in the Territory of New Mexico 1846-1859," *NEW MEXICO HISTORICAL REVIEW*, IX, 30 (January, 1934).

was back at Fort Bliss, and also spent some time at Fort Fillmore.

Shortly after the outbreak of the Civil War, Lt. Col. I. V. D. Reeve surrendered six companies of the 8th Infantry to superior Confederate forces under Col. Earl Van Dorn on May 9, at San Lucas Springs, fifteen miles west of San Antonio, Texas. The Union troops were the garrisons from Forts Bliss, Quitman and Davis. Among the prisoners was Lt. Lazelle.⁵ He was promoted to the rank of Captain in June.

Lazelle was exchanged in the summer of 1862 and served as Acting Assistant Commissary General of Prisoners at Washington from June 4, 1862, until September 16, 1863. He then returned to active duty in command of a regiment in operations against Mosby's Guerrillas and then of a Cavalry Brigade, 22nd Army Corps, serving until October 19, 1864. On October 23, 1863, he was appointed Colonel of the 16th New York, Cavalry Volunteers, and advanced to Bvt. Major in the regular army on September 19, 1864, "for gallant and meritorious services in action near Culpepper, Virginia." He resigned his volunteer commission on October 19. From January 6 to February 12, 1865, he served as acting Assistant Inspector General on the staff of Major General Steele, and from February 12 to July 9, he was Assistant Provost Marshal General of the Military Division of West Mississippi.

After the War, Lazelle held numerous tours of duty in the South, East and West. He was on Recruiting Service from July 18, 1865 to March 2, 1866; in command of a company and Post at Charlotte, North Carolina, March 1866 to December 1867; at Columbia, South Carolina, until October 1870; David's Island, New York, until July 5, 1872; on the Yellowstone Expedition against Indians from July 26 to October 15; at Omaha Barracks, Nebraska, October 26 to May 24, 1873; on the second Yellowstone Expedition to October 12; at Fort D. A. Russell, Wyoming Territory, until February 22, 1874; on the Sioux Expedition to March 1874; at the Spotted Tail Agency, Dakota Territory, to May 26;

5. *Records of the Rebellion*, Series I, vol. 1, p. 568.

on leave of absence from May 26 to July 23; frontier duty in command of Fort Yuma, California, September 24 to March 24, 1875; in command at Fort Sully, Dakota Territory, June 8, 1875 to April 24, 1877; in command of a Battalion in the field in Montana until November 11; Fort Sully, Dakota Territory, from November 11, 1877, to August 18, 1878; and at Camp Ruhlin, Dakota Territory, August 27 to June 1879.

After serving as Commandant of Cadets at West Point from June 1879 to August 1882, and being advanced to the rank of Lt. Col. on June 26, Lazelle returned to the West in command of Fort Craig, New Mexico, December 1882 to February 1884. He next served as Assistant Inspector General, Division of the Pacific, with headquarters at San Francisco, California, until June, 1885. He was detailed as Representative of the United States to witness the maneuvers of the British Army in India from November 1885 to March 1886. Returning home, he was made Assistant Inspector General, Department of the Columbia, at Vancouver Barracks, Washington Territory, until June 1887. From June 1887 until February 1889 he was stationed at Washington, D. C., in charge of publication of the records of the War of the Rebellion.

With the rank of Colonel, received on February 2, 1889, Lazelle once more returned west as commander at Fort Clark, Texas, where he served from October until July 1894. He was on sick leave from March to November 1, 1893, and a year later, on November 26, retired from active service for disability in the line of duty. On April 23, 1904, he was granted the rank of Brigadier General.

In civil life, Lazelle was a farmer in Virginia until 1898. From then on he alternately lived in Winchester, Massachusetts, and Canada. He died at Georgeville, Province of Quebec, on July 21, 1917, at the age of eighty-four.

General Lazelle had found time to write both during his military career and in civil life. He was the author of numerous publications: *One Law in Nature, Matter Force and Spirit, Review of the Situation in the Southern States, New*

Mexico and Arizona, The Leavenworth School of Instruction, Stability in Present Form of Our Universe, Military Life in India, Evolution in Warfare, Changes Necessary in Infantry Tactics, Improvements in the Art of War, and, first in time no doubt, his *Journal* of the Bonneville campaign.

In this *Journal*, Lazelle reveals himself to be a rather unusual young man. He was well read and a keen observer, indeed a very critical one, of both man and nature. He thrilled to the beauties of the Southwestern country, and reacted strongly against its seeming monotony. Vast stretches of country, marked by distant mountain ranges and sparse vegetation, were too strong a contrast to the eastern woodland country for him to make ready adjustment. But the grandeur of the mountains at close view could not be ignored, and he reveled in their glories.

He reacted equally strongly toward people; he had generous praise for those he admired, and sharp criticism for others. His Puritan and Eastern background ill prepared him to understand the peoples of the Southwest, the Mexican and the Indian. Their way of life, primitive as it was in comparison to his accustomed ways, aroused sharp reactions of disgust; in fact, so sharp at times that the reader must be on guard lest he take offense. And the spirit of seventeenth century intolerance in religious affairs echoes in his writing. It must be said that Lazelle was not writing for publication; he probably put on paper what he would not have uttered out loud.

The young Lieutenant was not above analyzing himself while commenting on his colleagues. He professed to be a misanthrope. It is certain that he did not spend much time in company with fellow officers, especially when they were in a convivial mood. He did not drink intoxicating liquor, although it can be inferred that he was not always a teetotaler. His attitude on this matter was due to the influence of a woman whom he never mentions by name. In one passage he writes Mrs. L-----. She may have been his wife, although available biographical material does not mention that he was married. At any rate, he writes of her with great feeling and was very much in love with her. Despite

the young Lieutenant's Puritanic background, his sharp criticism of people, and his straight-laced conduct, he was not devoid of humor, so an occasional lighter touch appears in the *Journal*.

The occasion for keeping this daily record of his doings was the campaign against Apache Indians in Southwestern New Mexico in 1857. The tribesmen had long been a thorn in the side of the American and Mexican people. They raided the settlements in the Rio Grande valley and depredated southward into Mexico.⁶ The situation was so bad along the border in the 1850's that President Buchanan toward the end of the decade recommended "a temporary protectorate over the northern portions of Chihuahua and Sonora and to establish military posts within the same. . . ."⁷

In 1857 the government launched a major campaign against the Apache. The expedition consisted of two columns under the general command of Col. Benjamin L. E. Bonneville.⁸ The northern column, under command of Col. William Wing Loring,⁹ moved southward from Santa Fe and joined forces with the southern column temporarily. A detachment from Loring's command attacked the Apache on May 24, recovering about 1,000 sheep which they had stolen from the Rio Grande valley, killing seven Indians and capturing nine. He was then ordered to the Navaho country to keep that tribe pacified.¹⁰

The southern column, under command of Lt. Col. Dixon

6. A detailed account of this Indian situation can be found in R. H. Ogle, "Federal Control of the Western Apaches, 1848-1886," *NEW MEXICO HISTORICAL REVIEW*, XIV, 309-365 (October, 1939). Reprinted as Vol. IX, New Mexico Historical Society, *Publications in History*.

7. James D. Richardson, *Messages and Papers of the President*, V, 514. (December 6, 1858).

8. Bonneville was born in France, but came to this country at an early age. He graduated from the United States Military Academy in 1815. Forty years later he had achieved the rank of Colonel in command of the 3rd Infantry. Heitman, *Historical Register* . . . He assumed command of the Military Department of New Mexico in 1858. Bonneville secured a leave of absence from the army in the 1830's and led an exploration party to the Far West. His story was popularized by Washington Irving in *The Adventures of Captain Bonneville*.

9. Loring was born in North Carolina. He was appointed 2nd Lt. in the Florida Volunteers in the summer of 1837. He served in the War with Mexico and was advanced to the rank of Colonel in the Mounted Rifles on December 30, 1856. He was a Major General in the Confederate army. Heitman, *Historical Register* . . .

10. John Garland to AAG, June 30, 1857, in Secretary of War, *Annual Report*, 35 cong., 1 sess., hse. ex. doc. 2, p. 135 (943).

Stanbury Miles,¹¹ moved westward from Fort Thorn, New Mexico. It was formed from companies B, D, G, and K of the 1st Dragoons; B, G, K, Mounted Riflemen; C, F, K, 3rd Infantry; B and I, 8th Infantry; a company of spies and guides of Pueblo Indians; and a body of New Mexicans under Captain Blas Lucero: in all, some 400 men.¹² They eventually struck the Indians on the Gila river, about thirty miles north of Mt. Graham (or Floridian). The battle was fought along both sides of the river in a narrow valley with dense undergrowth of brush. It started in the late afternoon and lasted until sundown. Twenty-four Indians were killed, including five women, and twenty-seven were taken prisoners. A Mexican boy, a captive of the Indians, was also taken but later escaped, apparently preferring his life among the Indians to his former home. "Lt. Lazelle, 8th Infantry, in charging with the dragoons, shot one Indian and cut down another,"¹³ for which he was commended by his superiors.

Lt. Lazelle's *Journal* is brought to a close before this fight took place. It concludes, however, with the statement that it will be continued in rhyme; unfortunately, the second part is not at hand.

In preparing the *Journal* for publication, it has been reproduced exactly as written, in-so-far as possible. The punctuation is sometimes difficult to read and, in a very few instances, has been modified. The spelling of words is not always orthodox. The map that accompanies the text represents part of a map compiled for the War Department in 1859. It has been touched up a bit and some data added. The map indicates incorrectly that Fort Bayard was at one time Fort West, or vice versa, but Fort Bayard was located to the east of Silver City; and San Diego is too far north, it was probably eight or nine miles north of Fort Selden.

The editor has been aided by colleagues and by the library staff in tracing a few of the literary references. However, the source of the reference has not always been found. The original ms. is owned by the University of New Mexico.

11. Miles was born in Maryland. He graduated from the United States Military Academy on July 1, 1824, and was advanced to the rank of Lt. Col. on April 15, 1851. He died on September 16, 1862, from wounds received in the defense of Harpers Ferry.

12. Secretary of War, *op. cit.*, p. 56f.

13. *Ibid.*

The Journal

To one, who during an intimate acquaintance of two years, has never, by word, or act, betrayed a thought worthy of reproach, this journal is most affectionately inscribed.

Part First. Gila Expedition—Personal incidents etc.

At the request of a dearly loved friend,¹ whose simplest wish is, and ever will be with me, a guiding point, these pages are rewritten. Hastily penned at first, during the leisure moments of an arduous and severe campaign, after the fatiguing marches of wearysome and sultry days,—and for the occupation of moments otherwise idle, and ill spent, they are of course *interesting* only to myself, or to those whose interest in me, is equal to my own self love— And nothing less than this conviction, would ever have induced me to reproduce pages so devoid of merit and which were written but for the gratification of my own feelings.

On the 20th day of April 1857, in obedience to orders previously received from Department Head Quarters, I left Fort Bliss Texas, for the Gila river, attached as junior officer to a portion of Company "K" Rgt. of Mounted Rifles. The Troops from that Post consisted of forty men from the company and Rgt. above mentioned under the command of Lieut. Du-Bois,² and eighty Infantry men portions of Companies "I" and "B" 8th Infantry; (and to use from this time the language of my journal), "we marched at 9½ A.M. The men of our command were anchored at "Harts Ranch"³ and

1. I cannot identify this friend. See Notes 44 and 58.

2. John Van Deusen Du Bois. Born in New York, graduated from the United States Military Academy, and commissioned Bvt. 2nd Lt., Mounted Rifles, July 1, 1855. He served in the Civil War and died July 31, 1879. All biographical data on army officers is taken from Francis B. Heitman, *Historical Register and Dictionary of the United States Army*, vol. I (Washington, 1903), unless otherwise indicated.

3. A Thomas Hart, was born in Kentucky, served in the Mexican war as 2nd Lt., 14th Infantry, and was mustered out on July 25, 1848.

El Molino (the Mill) is described as the residence of Judge Hart and was located about three miles up the Rio Grande from El Paso (Juarez), Mexico, on the east bank. Hart was born in Kentucky and served in the War. W. W. H. Davis, *El Gringo*, p. 213 (The Rydal Press, Santa Fe, New Mexico, 1938). He was probably the Judge Simeon Hart mentioned in John Russell Bartlett, *Personal Narrative*. . . I, 155 (New York, 1854). See also NEW MEXICO HISTORICAL REVIEW, XVII, 138 (April, 1942).

waited in drunken disgust for their officers to feast themselves as his guests.

Singular contrast. The mission of peace, and the errands of war! "Take neither staff or scrip,"⁴ says the one: the other calls for burnished arms, glittering armour, and the fiery stimulents of strong drink, and exciting huzzas, for its success, or power. I remained at the Post of Fort Bliss at the house of a very dear, and most loved of all friends to avoid the disgust which I felt would result from this and to take a last fond leave of her. I stayed one hour and started in sorrow and with regret. Found officers and men, at the above mentioned place, apparently delighted with their *dear friend*.—Stopped from compulsion,—received with marked attention and was, with the company already assembled, treated with great politeness, and with as much affability and courtesy as such natures are permitted to extend toward others, from purely selfish motives as is the case with this person. After being sumptuously entertained,—at the expense no doubt of the U. S. Government, through him, and the Department Chief Commissary, our party took its leave, and proceeded on its way in silence each occupied with his own thoughts and soured at the cheerless prospect before us.

I, as part of the Staff, had the privilege (?) of riding in front as a sort of accompanying orderly to a simple, but kind old fellow named Simonson,⁵ whom superior age, (thanks to the wonderfully wise organization of our Army) had unfortunately placed in command. But I am compelled to say that a more benevolent or honorable heart never beat in sympathetic pulsations to the failings of his fellow man. He is of great physical energy, but deficient in reason, cramped in his understanding, and warped in his judgement. We marched five miles over a beautifully picturesque and rural road,—to a poet, or to one who had all his life dwelt on a plane surface. Halted for a short rest, and the gather-

4. And he said unto them, Take nothing for *your* journey, neither staves, nor scrip, neither bread, neither money; neither have two coats apiece. *Luke 9:3*.

5. John Smith Simonson, born in Pennsylvania, was a volunteer in the War of 1812, and served in the War with Mexico; promoted to Major, September 16, 1853; died December 5, 1881.

ing of drunken stragglers, at the fanciful ruins of an old Adobe house which Mexican tradition and Scandal say, was for some years occupied by a hermit surnamed, White, who therein detained a woman for divers, and *son-dry* purposes. Halted for the night four miles further on without extraordinary incidents. After a delightful supper, of fried bacon with coffee, *without* milk, all served up *with* tallow in the Russian style by a Russian cook, I retired. Was jostled to sleep by a highly instructive dissertation on the "customs of the service," by my superior officer and classmate, who happens to be quite egotistical and fond of instructing a simpleton like me: perhaps because I chance to be a good listener. If he persists in it however I shall make him blush for his folly ere long. He is young however, and is proud in being called a horse soldier!, And rather patronizes me, a poor infantry officer. I may gently chide him soon—if he persists.

I as Adjutant had the giving of the countersign for the night, and called it "*Twilight*" in memory of my loved-----

Awakened by sounds of horses feet which I imagined to be outside the door of my quarters in Garrison—Relieved of this fanciful impression, by falling over my camp Stool in my endeavors to gratify an idle curiosity unduly excited. Thus endeth the first chapter—Selah! [Meaning a pause].

Tuesday April 21st—1857 I *suppose*.

Arose covered with dirt—washed as people may be imagined to do, under like circumstances,—but without effecting a marked change in my personal appearance.— Eat a breakfast consisting of the same variety that characterized our supper of the previous evening, except that the order was reversed and, stood—Tallow, coffee, and bacon fried—Marched at the eighth hour.—Jewish style⁶—face of the country beautifully novel and peculiar. Was agreeably surprised, and highly interested by a strong wind which blew a fine sand into my eyes all day creating, a delicious and refreshing titilating sensation—
Conversation to-day principally about the weather, con-

6. the men shall march every one on his way, and they shall not turn aside from their ranks. *The Prophecy of Joel*, 2:7; no one shall press upon his brother: they shall walk every one in his path. . . . 2:8.

ducted entirely by the chief of staff, the above mentioned commander Simonson, who was heard to make several stupid remarks in a very stupid and delightful manner—accompanied with much dignity. Repeatedly tooting his nasal organ—dispensing entirely with a handkerchief—which is unquestionably a high accomplishment for a polished gentleman, but rather a dangerously unpleasant one for companions in his vicinity—during a strong wind. After this followed some grave observations upon the Indians which lacked originality somewhat, but gave evidence of his possessing a strong memory in having retained them since he last heard them. But conversational talent is, like that other talent, (its logical contradictory) somewhat limited, and we all soon “*subsided*” with the conversation and every one so to express it “*dried up*,” perhaps like Wouter van Twiller,⁷ for the want of something to say.

After having arrived in camp, and been comfortably asleep for a few minutes, was awakened by a soldier pleasantly dangling a large rattlesnake with nine rattles before my face, and desiring my opinion with regard to its size. Toward night our wind brought rain and hail it blew down our little tent twice, broke tent poles, and at last despairing of supporting it, I crept under its icy canvass and fell asleep, cold, sick, and in an enviably happy state of mind. Mem. I this morning resolved to discontinue an unfortunate and absurdly senseless habit of profanity and am happy to state that I have cursed but 800 times during the day, the average number being 500, per day.

Wednesday Apr. 22nd

Awakened by a sepulchral voice which said “*Lieutnunt*” *Du Bose Time!* Which I found upon recovering from my surprise, came from a face which was peering through the tent front and belonging to our Russian cook. This being interpreted meaneth Breakfast is waiting. Was somewhat

7. “It is true he was a man shut up within himself, like an oyster, and rarely spoke, except in monosyllables; but then it was allowed he seldom said a foolish thing.” Thus is described the governor of New Amsterdam by Washington Irving in *Diedrich Knickerbocker, A History of New York*.

startled by hearing the said "Lieutnant Du Bose" (Lieut. Du Bois, my senior officer, to whose company I was attached) —whom "for short" I shall hereafter style "The Dragoon"—remark, that it would be necessary for him to procure from his Company farrier, some horse medicine for his own use, as he had not yet, to use his own words, "come to his feed"! My alarm was in no measure diminished by observing him devour with great "sang froid" a piece of raw bacon. I was however much relieved when informed by him, with the greatest unconcern, that all this was the custom of his regiment! I remarked that I supposed that very soon he might accustom himself to grazing, to which he gravely replied, that he thought likely.

He became from this time greatly exalted in my eyes, and though he was but a year older than myself, yet I afterwards regarded him with the greatest respect, and even veneration: more particularly when I discovered through him, that it was not the custom of his Regiment (The Mounted Rifles) to sleep in tents which he seemed to abominate. It became with me, afterwards, however, a serious question, whether or not this was done for grandeur, and with a desire to impress upon my simple and inexperienced mind, a vast and overwhelming idea of the greater superiority and endurance of the "hoss soldier," and the superior dignity of that branch of the service over the pedestrian patriot— More particularly was I so unfortunate as to cling to this impression, when I afterwards learned that an attack of the rheumatism followed his sleeping outside the tent, and a severe sickness from his eating of the raw bacon—

I observed that to-day I was sent forward far in advance of the column, to select a camp above Fort Fillmor.⁸ I also noticed that I got drenching wet by a cold drizzling rain which fell all day long, and which froze as it fell. It pelted

8. Fort Fillmore was located on the east side of the Rio Grande about forty miles north of El Paso as part of the reorganization of frontier defenses in 1851. A. B. Bender, "Frontier Defense in the Territory of New Mexico, 1846-1853," NMHR, IX, 264. "This place is like all the forts we have seen, nothing but an open post, and totally unfitted to resist an Indian attack." Lewis Burt Lesley, *Uncle Sam's Camels*, p. 69 (Harvard University Press, 1929). See description in Davis, *El Gringo*, p. 211.

me beautifully, benumbed my limbs so that I could not feel the cold—and kept me in excellent humour.

Obtained a good camp one mile above the post—wet and cold—Visited the post on business, saw no ladies, with the exception of Mrs Whipple who happened at her window as I passed. Kept my resolution not to drink, although much pressed so to do. Thank God for kind influences and a high toned friend.

Thursday Apr. 23rd

Sent forward again to day by Maj Simonson to select a camp above Don-Anna.⁹ Cold and rainy weather. Found myself traveling with my Dragoon escort of two men, and as it was impossible to converse with them I was of course highly entertained and diverted, traveling uncomfortably and wet to the skin. I was also accompanied, as I had been for several days by a very severe and painful attack of the Dysentery with vomiting. This completed a disgust which perfectly disguised me, and I would not have been recognized by those who knew me best. In such a mood as when one experiences a sad and dismal pleasure in indulging in gloomy thoughts on the past—present and future. Passed through the miserably wretched villages of "Cruzes"¹⁰ and "Don Anna," which are Mexican collections of hovels, in perfect keeping, with their squalid filth and poverty, and accord well with the indolent worthlessness of their population, and the cursing idleness and superstition, of the whole degraded Mexican, or rather, Spanish,—Mexico—Indian—Negro race—Incapable of further advancement and totally unconscious of their present degraded position.

A succession, of high toned, patriotic, energetic, indomitable and powerfully intellectual rulers, despotic in character, acting, with a singleness of purpose, and unity of object, through a series of generations, is the only form of government which in my judgment can save poor Mexico, develope

9. The Doña Ana Bend Colony was established in 1843 by Don José María Costales on a land grant from the state of Chihuahua. P. M. Baldwin, "A Short History of the Mesilla Valley," NMHR, XIII, 316 (July, 1938).

10. The present day county seat of Doña Ana county. See Davis, *El Gringo*, p. 217f, for an early description.

her resources, elevate the minds and bring forth the energies of her people, so totally unfitted are they for self government, or control, in its most limited form. This might relieve her from the terrible thralldom, which is imposed upon her people by the superstition, ignorance, bigotry and falsehood, which is pressed upon her by the iron rule of the Roman Church— God forbid that those whom I may love, should be Roman-Catholics—

This may save her from the dominion of the superior Anglo-Saxon race, and her amalgamation with, and absorption by those “Northern barbarians,” and preserve her a distinct nation and people— After coming to Camp, and designating the Camping ground of the different companies, I threw myself on the wet ground wrapped in a blanket, and for a long time, until sleep relieved me with forgetfulness, gave myself up to a deathly sickness.

I was however soon aroused, by my infernal Russian cook, who placed by me, a tin dish of Rice, swimming in bacon fat. I inwardly cursed him, but outwardly thanked him for his attention, and sickened at the stomach and heart, begged him to remove it—

I contrasted it with Mrs. Brice’s delightful dinners and delicacies, (God bless her,) and as best I could, wearied the long cold night away, in pain and misery and without further sleep—

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Friday Apr 24th

Sick—eat little or nothing—Incidents none—Still troubled with the “blues” and unpleasant weather—and just at present, viewing as I do—too much I fear—everything through a lens of gloom and disgust all even life itself seems sad and dull— My sickness is getting no better quite fast. I think that I need a new stomach, which has not been so much trifled with, by silly excesses as this—I fear that should one ever read these pages thus far and no further, they would have formed for life the opinion that I was the most misanthropical hypochondriac in the universe and never looked upon our cheerful world in a pleasant light—None can however form a correct estimate of character from the circumstances

resulting from a particular humor— It requires years to judge of it, unless the faults are so conspicuous and absorbing, as to overshadow all else—

Camped to day at the Rio Grande between Forts Fillmore and Thorn,¹¹ and on the main route.

Was sent forward several miles to the ford to arrange with the boat keeper for crossing of the command with its pack mules, on the succeeding day.—

Apr. 25

Awoke as one sometimes does after sleeping. But in this particular instance, I was indebted to my friend the Russian cook, who was bawling at the top of his voice, Luten-u-t Lazelle—Time!! Reminding one of “Queen Bess” on her death bed¹²—I felt quite satisfied however, with the pleasant consciousness that I had passed a night in sound refreshing slumber— At about 8 A.M. this morning we were overtaken by Mr. Magoffin’s¹³ Train from Fort Bliss, going to Fort Thorn for provisions, and then to the River Gila— I was much delighted (but not surprised) by receiving from my dearest friend in the world, a large bag of delicious pecan-nuts— One who forgets not in absence, is indeed a friend.—

We crossed¹⁴ the river to-day, and camped; it was a windy and very dusty day, and much increased the many unpleasant difficulties to be overcome in crossing with a

11. Fort Thorn was established in the upper end of the Mesilla valley on the west side of the Rio Grande near the settlement of Santa Barbara, 85 miles south of Fort Craig and 51 miles north of Fort Fillmore. Bender gives the date as December, 1853; *op. cit.*, 347f. The garrison from Fort Webster “was first located in this spot,” in November, 1853. 36 cong., 1 sess., sen. ex. doc. 52, p. 223ff (1035).

12. This may be a reference to Queen Elizabeth, but descriptions of her death vary. Just where Lazelle read his account I do not know, but John R. Green, *A Short History of the English People*, II, 931 (Macmillan and Co., Ltd., London, 1913. Illustrated edition), reads as follows: “When Robert Cecil asserted that she ‘must’ go to bed, the word roused her like a trumpet. ‘Must!’ she exclaimed; ‘is *must* a word to be addressed to princes, Little man, little man! thy father, if he had been alive, durst not have used that word.’ Then, as her anger spent itself, she sank into her old dejection.”

13. James W. Magoffin was a Santa Fe trader and long-time resident of the Southwest. He established Magoffinsville, now El Paso, Texas, in 1848; it was located about three miles below Hart’s El Molino. Davis, *El Gringo*, p. 213. Bartlett, *Personal Narrative*. . . , I, 193. Stella M. Drumm, ed., *Down the Santa Fe Trail and into Mexico: The Diary of Susan Shelby Magoffin 1846-1847* (Yale University Press, 1926).

14. The “old fording place, known as the San Diego ferry, was about nine miles above the southern end of the Jornada del Muerto. Bartlett, *Personal Narrative*. . . , I, 215.

single ferry-boat our numerous command with its large number of animals—

I found myself much improved in mind and body— It was very fortunate for us that the wind blew so severely to-day or we should have been literally devoured by gnats, whose bites are very severe and much more unpleasant than those of their agreeable fellow-labourers, the mesquitos. As it was, the moment that the wind lulled as it did, about four in the evening they came about in great clouds, causing every thing living, with a tender skin, either to suffer or run,—if of an active temperament; but for myself, being naturally opposed to active exercises, I took the next safest method and went to bed—

Sunday Apr. 26th

Left the river at an early hour, in advance of the command, accompanied by an escort of two men. I was, I am happy to state to an interested world in excellent condition to-day—physically speaking, but a hard trotting horse, and a very hot sun, rather disturbed the harmony of my sage reflections, and at such intervals as the horse was compelled to walk, upon a little deliberation with myself I invariably discovered that I was in a fine sociably meditative mood, with a slight shade of the grumbling humour, however, at my lot, which made every subject, upon which I thought, agreeable and spicy. However we jogged along thinking of each subject in its turn, until I believe that like Don Juan¹⁵

“I thought of myself and of all the earth,

“Of man wonderful and of the Stars.

“And how the duce they ever could have birth.

15. Don Juan was “A legendary figure who symbolizes a rich man, proud, impious, and a libertine. He has appeared in a poem by Lord Byron, an opera by Mozart, and a drama by José Zorrilla y Moral.” *Diccionario Enciclopédico Ilustrado de la Lengua Española*, ed., Don José Alemany y Bolufer. Nueva Edición (Buenos Aires, 1946).

He thought about himself, and the whole earth,

Of man the wonderful, and of the stars,

And how the duce they ever could have birth;

And then he thought of earthquakes and of wars

How many miles the moon might have in girth,

Of air balloons, and of the many bars

To perfect knowledge of the boundless skies;

And then he thought of Donna Julia's eyes.

Lord Byron's *Don Juan*, canto I, no. 92.

“And then I thought of earthquakes and of wars,
 “Of air balloons, and of the many bars
 “To perfect knowledge of the boundless skies.
 “And then, I thought of Donna Julies eyes”

And etc, etc as every one does I suppose who is devoting his attention to nothing in particular as he travels, whether walking or riding by themselves. For human nature is wonderfully similar in us all, baring of course the peculiar idiosyncrasies of birth, and the circumstances of education. Like plants and animals of a common species, they differing from each other by some distinguishing qualities, which mark, and subdivide them again into classes, so mankind born for the same end, and with same great endowments, are universally found to possess the same frame work, of a flexible mind, more or less distorted, or beautified, as the accidents of influences have varied with the individual— About 12 M. I was met on reaching the summit of a hill by Capt Clairborne, Lieuts Baker, and Edson, of the Rgt of Mounted Rifles, and Lieut Davis¹⁶ of the 3rd Inf. all from Fort Thorn, and coming down to greet our command. I was delighted to see them, and passed a pleasant half hour in their company— I then left them, to proceed down the road to meet our command, with the exception of Lieut Baker, who rode back with me to Fort Thorn, to fulfil my orders from Maj Simonson—

I called upon the commanding officer Lieut. Col. D. S. Miles, after selecting about four miles from the Post, a suit-

16. Thomas Clairborne, born in Tennessee, served in the War with Mexico with the rank of 2nd Lt., Mounted Rifles. Advanced to Captain, August 30, 1853. He later served in the Confederate army.

Laurence Simmons Baker, born in North Carolina, a graduate of the United States Military Academy, July 1, 1851, entered the army as Bvt. 2nd Lt., Mounted Rifles. Advanced to 2nd Lt., March 31, 1853. Served in the Confederate army as Brigadier General. Lt. Baker had a taste of fighting Indians when he pursued a marauding party eastward from Fort Thorn on March 11, 1857, in an effort to recapture stolen stock. The animals were recaptured, but only after a fight at Ojo del Muerto where two soldiers were killed and three wounded. Secretary of War, *Annual Report*, December 5, 1857. 35 cong., 1 sess., hse. ex. doc. 2, p. 55 (943).

John Henry Edson, born in New York, graduate of the United States Military Academy, July 1, 1853, commissioned Bvt. 2nd Lt., Mounted Rifles. Advanced to 2nd Lt., August 16, 1854. He served in the Civil War.

Benjamin Franklin Davis. Bvt. 2nd Lt., 5th Infantry, July 1, 1854. 2nd Lt., 1st Dragoons, March 3, 1855. He was wounded in the Bonneville campaign and killed in the Civil War.

able camp for the troops. I found him to be a person of a very brilliant imagination, accompanied with great facility of composition, which enabled him to converse upon all topics, whether fiction or facts—whether conversant with them or not,—with wonderful freedom and ease—But as he seemed to possess an unfortunate memory, or carelessness of agreement of his thoughts, it was sometimes painfully unpleasant to compare his statements, particularly when he was under the least excitement from liquor, which *his* nose and *my* eyes, told me he partook of freely, even had I had no other demonstration of it. Was invited to drink and dine at the Post, but declined both, and returned alone to our camp where I found time to pass with the usual monotony of camp life until next morning which was that of Monday Apr.

Apr. the 27th

At about 9 A.M. visited the Post, and found most of the officers in the sulter's [sutler] Store, a filthy hole, drinking or preparing so to do. And had I not discovered it before I should now have observed, that the hilarity of a drunken party can but be distasteful, to one whose reason is still his own, and whose animal impulses, have not by excitement overcome the intellectual. And that drunken jokes are as difficult to amuse, as the passions are troublesome to understand, and appreciate, to a Eunuch in an Eastern harem.

Dined by invitation, with Capt Clairborne, who is a very sociable, and highly amusing man; in conversation, of quick and ready humour, and sparkling wit; of great command of language, and fluency of speech; and were it not for his continual personalities, and occasional Bombay or Bowery manner, together with the most inordinate egotism, would always be a delightful companion.

His wife is an agreeable, affable, and pleasant person, of excellent sense (of the *acute* order) and entertaining manners, with a polished and ladylike deportment—and (if my praise be not damning,) always adapted to the company present. In their society, one is charmed and delighted for an hour—

X X But the senses weary of continuous delight Longs for

repose, and the softer, gentler change,—as of Day to night
 Returned to my camp at an early hour, And as I rode on, I
 unconsciously made comparisons, perhaps unfavourable to
 my new companion of the day— Passed the evening in reading
 and musing, in what might be termed a soft twilight
 course of thought—

Lovely Twilight hour! which gently culls the *Past*
 From memories stores. Not like the Noon which seeks to arrest
 The mighty *present*.—Nor like the morn
 Which calls ambition forth if yet unborn
 But gently chides, and perchance doeth sudden the hour
 Yet still with soothing thought, it softly speaks of power
 To forgive the past, that a future will amend
 And Heavenly hopes, with its cheering promise sends.

Apr. 28th

Removed camp at 8 A. M. to within one mile of the Post

Major Simonson this morning relinquished the command to Lieut. Jackson,¹⁷ after giving to Mr DuBois (alias the Dragoon) a suitable and richly merited lecture upon his inordinate vanity, preceded by an exordium and tintured with a little wholesome advice. This was done in the presence of one of the officers from Fort Thorn, of his own Regiment and has created not a little amusement, with perhaps unfavourable comments; but all concur in admit[ting] it to be well timed.— I am relieved from the duties of Adjutant, and have understood that I will be appointed Adjutant of the Southern Column. However cannot tell, The “Ides of March” or as the “Mexes” have it, “The Mannanna” [Mañana, meaning tomorrow] will decide—Have remained in camp alone all day.

At about sunset, saw through my glass an ambulance, resembling very much in appearance the carriage of Maj. Brice,¹⁸ at Fort Bliss. It was coming up the road toward the post. I only hope that it was This I will ascertain to-morrow—the

17. William Hicks Jackson, born in Tennessee, a graduate of the United States Military Academy; Bvt. 2nd Lt., Mounted Rifles, July 1, 1856. Brigadier General in the Confederate Army. He died March 30, 1903.

18. Benjamin William Brice, born in Virginia, graduate of the United States Military Academy; Bvt. 2nd Lt., 3rd Infantry, July 1, 1829. Major Paymaster, February 9, 1852. Died December 5, 1892.

29th

Went to the Post early in the morning and was delighted upon seeing there Maj. Brice and Mr. Granger from Fort Bliss— Received from the Major a package from Mrs Brice. It was a tobacco bag which she had promised to make for me, together with a handkerchief which she *had not* promised. So thoughtful she is, so kind, always giving, always pleasantly surprising. — One of God's own handiworks as a woman, combining with a really brilliant intellect, enlarged understanding and power of thought which would do infinite credit to any *man*:—a high toned delicacy and sensibility in every action, and thought, which become an order of beings higher than ours:—linked with a generous heart, and a ready hand to give, and to assist all, in the right:—and independence of mind, thought, and action, with a proud firm spirit, that knows no deviation from what appears the proper course, and such as would have made nobler, a Catherine of Russia, or Joan of Arc, all makes her morally and intellectually, a really towering spirit, noble in its modest grandeur. May God grant me such a wife, beautiful in mind and person, and such as Heaven first formed her sex—This pleasant remembrance of me I can never forget

The Major is too, a man of sterling qualities, enlarged understanding, and a warm heart— But he is the Josephine, while she is Napoleon!

Dined with Colonels Miles and Bonneville at the house of the former—Mrs Miles seems to be an exceedingly plain and domestic person, but of a kind heart. The entertainments of our Fort Thorn acquaintances, cannot compare favourably with the sumptuous hospitality and easy manners of some of our Fort Bliss friends. The former seems constrained, hurried, uneasy, and without style; the latter possesses all of those qualities which make elegance without ostentation; luxury without pride, and ease with natural refinement, untouched by silly empty forms and shallow attempts at a servile worship of etiquette—Passed quite a pleasant day for one as misanthropical as myself—Was officially informed by Colonel Miles of my appointment, and to-day published my first order as Adjutant of the Southern Column Gila Expedition, — X X — folly — X Straws — X

Apr. 30th

Passed the day in making every preparation to march on the 1st Prox: visited Fort Thorn from my camp twice—Found upon overhauling my panniers that I had much more baggage than one mule (only one allowed to an officer) could conveniently carry. Placed the greater portion in a box, and sent it to the Post to be carried to the Depôt on the Gila in one of the freight wagons.

Sixty eight mules stolen this morning from a point within one [and] a half miles of the Post, by the Indians. Capt Clairborne of the Rgt. of Mt. Rifles was dispatched with forty men of his company in pursuit. He was followed two hours later by Lieut Edson with the pack mules carrying provisions of both companies, with orders to overtake the thieves if possible.

This is indeed a beautiful burlesque upon the dignity of our much talked of great expedition which has been fitted out at so great an expense and which is to freely bleed the plethoric treasury of government—

Originating in the bombastic folly of a silly old man already in his dotage, and thus far conducted with a degree of stupidity almost assinine—

A pretty caricature of the respect which our crafty foe, who is moving, warily, but constantly, in theiving squads, and flying on wings of the wind, has, of our slow motioned and heavily laden Infantry, toilsomely dragging its lengthy and sluggish columns over the burning plains, its troops choking with dust finer than ashes, and its animals suffocating, and dying under their heavy burdens for want of water;— all much to the delight, of these light footed, strolling, scattered vagabonds, who mockingly watch us from the mountains above.

Such at least must be the view in which the present plan of our campaign must be regarded, for the division, and wide scattering of our forces, so necessary to success, is not at present contemplated— *Nous verrons*—

Evening— And upon taking a retrospect of my visit to Fort Thorn, from the beginning, I cannot say that I am particularly pleased with it— It is a crowded, contracted, united

sort of a place, in its construction. Its officers with their families, are exceedingly hospitable and entertaining, but entirely too neighbourly, almost to a common brotherhood, to conform to my views of constant happiness, and domestic comfort—

Such an intercourse, forbids the most common etiquette of society, and generates an undue familiarity, in its families, which must eventually prove unpleasant.

May the 1st 1857

Left our camp at 6½ A.M. moving toward the Post and at 7½, after having bade farewell to our friends but few of whom I left with the slightest degree of reluctance the "Southern Column Gila Expedition", under the command of Lieut. Col. Miles, slowly moved away in the direction of the Membres [Mimbre, meaning willow] river, in the following order—Comdg Officer with his staff— Comp. "K" "Mounted Rifles"— Lieut Jackson, Comp. "I" 8th Infantry—Lieut Whipple Comp. "C" 3rd Infantry—Lieut. Steen Comp "F" ditto— Lieut. Cooke¹⁹ Comp "B" 8th Infantry— These together with Comp "B" Mounted Rifles—and Comp. "G" ditto, which had left the day previous in pursuit of the mule thieves; and forty friendly Pueblo Indians under the command of Lieut McCooke,²⁰ composed the "Southern Column"—

After a march of ten miles, we halted in a drenching rain at a place called the "tenahas"²¹ or springs where we found

19. John Rogers Cooke, born in Missouri. 2nd Lt., 8th Infantry, June 30, 1855. Brigadier General Confederate army. Died April 9, 1891.

William Dennison Whipple, born in New York, graduate of the United States Military Academy; Bvt. 2nd Lt., 3rd Infantry, July 1, 1851. 1st Lt., December 31, 1856. Served in the Civil War. Died April 1, 1902.

Alexander Early Steen, born in Missouri. 2nd Lt., March 6, 1847; served in War with Mexico. 2nd Lt., 3rd Infantry, June 30, 1852. Brigadier General Confederate army; killed at Kane Hill, Arkansas, November 27, 1862. He was wounded in the Bonneville campaign.

20. Alexander McDowell McCook, born in Ohio, graduate of the United States Military Academy; Bvt. 2nd Lt., 3rd Infantry, July 1, 1852. 2nd Lt., June 20, 1854. Served in the Civil War.

Bonneville gave "much credit" to McCook for "The admirable manner in which he managed his Pueblo Indians." Secretary of War, *op. cit.*, p. 56.

21. *Tinaja* means a large earthen jar. *Tinajero* is a stand for holding the jar, but is used by Mexicans to mean "water hole." *Tinaja* is apparently used here in the latter sense.

An excellent contemporary account of Apaches and their habitat can be found in John C. Cremony, *Life among the Apaches* (San Francisco, 1868).

the train of the embryo sutler [sutler] of the Gila Depôt, encamped. He had but a short time before dined, and as I rode up, gave me a piece of black corn-bread, soaked with rain, but I never relished anything more in my life, having eaten nothing since the night before— Resumed our march soon. The prairie was strewn with flowers of almost endless variety, which could I have preserved, I should have been delighted to gather, but for want of such means, I selected only a few of the most brilliant specimens.

At 4 P.M. we arrived at "Mule's Springs," distant from Fort Thorn 22 miles, when we halted for the night—

Took supper for the first time, in my new mess with Lieut. Steen whom I have found to be a high toned and honorable man, of simple habits, but excellent disposition, domestic in character, but of great energy and singleness of purpose. He is governed by an ambition somewhat beyond his capacity, but unlike my former messmate— ("*The Dragon*") he has too much modesty to often betray it— I have long ago voted both him, and his Russian cook, intolerable bores, and candle eaters— Dreamed that I was "Queen of May" which I, upon awakening, considered quite improbable—

May 2nd—

Took breakfast before sunrise,— somewhat earlier than at Fort Bliss, but perhaps with a better appetite— At 7 A.M. resumed our march. Under the influence of a fine morning and most excellent health I was in better spirits than at any-time since leaving Fort Bliss. At about 10 A.M. it "Cleared up and was cloudy, we then had a spell of weather" (in the language of an ancient feminine)—²² of the worst sort for the road, compelling me to take in my colors which happened to be my dear old tobacco bag hanging upon the pommel of the saddle. After a dreary march of 18 miles over a country which has undergone no change since the period of metamorphic and igneous rocks of the primitive formation (Lyles classification, of course) and whose monotony is like what I imagine to be the thoughts of stupid men entombed forever

22. I have been unable to clarify this quotation.

in the infernal abode, but which is perfectly suitable for Mexican inhabitants, and accords well with their character; an imperishable and never changing comparison, as a monument of their own unproductiveness and sterility as a race; (not physically!) and a fitting emblem in its worthlessness of a nation of blanketed thieves and hooded w———: to quote John Randolph.²³ We arrived at Cooke's Springs where we encamped for the night quite late— Went to bed with a clear conscience, having cursed but thirty six times to-day— find that I am rapidly reforming— Thi[n]k that I shall at least have the satisfaction of dreams of pleasant times. So I will bid myself "*Good night and pleasant dreames,*" shut up this folly, put the pencil in my pocket, and go—I hope not—to the D---l.

May 3rd.

Was awakened by hearing sung in a loud voice, "Twas *all around the room, that I danced, with Ellen Taylor*" by a "brass mounted Rifleman". To which another had the bad taste to reply, "What good did *that* do you? I did not wait for the pleasant retort, but in my amusement could not but consider it a very *pert* Query. "The idols of his own den, are apt to haunt the philosopher, even when he leaves it" Lord Bacon tells us—²⁴ and upon a slight retrospect of a few pages of this journal, if such a misnomer may be tolerated in the lie-sense of *poetry*—not rhyme, I am inclined to the belief that to an unprejudiced mind, it might, possibly appear, that I had imbrued these pages with a shade of the misanthropy which envelopes me— Hope not for *my* sake, not for yours (my *sweet* reader—and quite lucky to read this, too) But let me describe to you how we found upon a stick, at the 'Springs' a note from Lieut. Edson to Col. Miles, saying that his trail would be found to the left of the mountain, which was soon discovered. At 7½ A. M. started upon it following in the direction of the "Florida Mountains". We arrived, after an exceedingly fatiguing and dusty march, over a very

23. Probably a reference to John Randolph, the outspoken representative in Congress from Virginia in the administration of Thomas Jefferson.

24. For the description of idols in the den see Francis Bacon's *Novum Organum*, paragraph 38f.

rough country, having the usual products of this vast domain of newly acquired territory, at the foot of the above named mountains, and encamped at 3 P.M. in a spot as utterly barren and rocky that one would have suggested rained boulders at once—

It was almost destitute of grass; and we found but little water; even this was high up in the mountains and quite difficult of access. Distance marched about 20 miles— Slept on the rocks, and dreamed of the inquisition—But was at length gratified by a view of the dawn of the— 4th of May— Made a very early start, and traveled all day, over a country monotonous and dreary, with no feature which could disturb the fancy or excite thought— We were all delighted however by a most beautiful mirage—which suddenly appeared before us, within a few hundred yards. We saw what seemed to be a lovely lake of the most temptingly fresh and clear water, — it looked most delightfully cool and refreshing, calling up a delicious thirst which longed to be gratified. But during our march this phantom led us a weary chase of many a long mile, aggravating us with its mockings, until it finally disappeared under the influence of a blazing sun— Traveled twenty three miles, and arrived quite late, at the mouth of a narrow cañon near the South point of the mountain, where, or in which, we were informed by our guide, we should find water of which, both men and animals stood much in need.— I was, by Col. Mile's direction, here dispatched with the Guide, to ascertain its precise locality, and report—Leaving my horse at the entrance, and accompanied by the Doctor, who volunteered, we made the best of our way over the rocks, ridges and ravines. — The Guide leading for a long distance, —with no more prospect of gaining water than when we started. We had climbed and clambered for nearly two miles, and the cañon [cañon], which was continually ascending, had become a narrow gorge, with high walls of rocks on either side, when we stopped to consider the matter before us. In the first place, we both thought it absolutely necessary, to express our disapprobation in very bad spanish, to our guide, which although it did not much edify, yet it greatly frightened him. — After a final threat to shoot him, he half

dead with fright, begged us to follow him but "a mui poquite distances mass" [just a little farther] and we would certainly obtain water.—

Having no alternative, of course we concluded with very good grace to do so, and after three fourths of a mile, more hard traveling, came upon a miserable pool of greenish colored water, deep in the rocks and containing about twenty gallons strongly impregnated with lime—

After some deliberation, it was decided that the Doctor and guide should return to report progress and that I should cross the arm of the mountain to another cañon, in which the guide declared that there was "muchos agua" [much water]—I had climbed some distance up the rocks, when I was recalled by some soldiers, who stated, that Col Miles, had ordered the column to go into camp, as it was so late, and as a little water had been found nearer the mouth of the cañon. I immediately returned to camp, after an absence of nearly two hours; It was now decided that we should remain where we were, for the night, without water which we managed to do, although the poor animals suffered intensely — for want of it —

May 5th

Saw at a very early hour, through my glass a quiet and lovely Lake, far off upon the extensive and almost level plain overlooked by our camp— That this was water, beyond a doubt, and not mirage, was proven by the reflection of sunlight from its surface—Started at 7 A. M. to march toward it — We soon again intercepted the trail of the Indians, with the stolen mules, and also that of Capt. Clairborne and Lieut. Edson who were in pursuit of them — The sun was to-day intensely hot, and the plain or rather Desert was very dusty, parched, and burning —

At two P. M. we crossed the boundary line,²⁵ which is marked by monuments, between the U. States, and Mexico. The trail now took a direction toward, Hannas [Janos], a town about

25. The American government claimed the right to chase Indians into Mexico in keeping with the terms of the Treaty of April 5, 1831. See J. Fred Rippy, "Some Precedents of the Pershing Expedition into Mexico," *The Southwestern Historical Quarterly*, XXIV, 292-316 (1920-1921).

sixty miles within the boundary of Mexico, and where we knew that Indian theives were harboured, and a portion of the very tribe, with whom we were at war, were protected. At about 4. P. M. we arrived at "Lake Betra",²⁶ which is about six miles from the line, in the territory of Mexico.

We had traveled since leaving El Paso upwards of one hundred and seventy miles, and upon reaching this point, it was in a direct line, but sixty miles distant. The animals were crazy for water and in spite of all efforts of the men, many of them rushed into it, with packs and furniture on—

At "*twilight*" several of the officers, myself among the number, went down the lake, half a mile to bathe. It had a steep bluff bank of lime-stone at this point, and the water was dark, but clear, and very deep — As this is an isolated lake, with no apparant outlet, it is supposed that, it is the rising of the river Membres [Mimbre], which sinks at a point about forty miles distant in the mountains. This is quite probable as the water of the lake has a slow current, and the soil is composed principaly of limestone rocks which is well known to be cavernous—

I stood upon the bank a moment, to feast my senses upon the delightful plunge, and then went headlong down, down, into its cool fathomless depths. I did my utmost to swim to its bottom, feeling a thrill of pleasure, at finding myself so far in its dark bosom, and being in fancy a part of its element: but this was impossible, as it is so very deep—Its waters are warm, and delicious, and it was with the greatest reluctance, that I left it, not knowing when I should have the pleasure of feeling the surface of my own body again, so unsightly had we become from the accumulations of dusty marches—

At 5 P. M. Col. Miles, dispatched, Lieut. Du Bois with his company of Mounted Riflemen, to over-take if possible Capt. Clairborne, and Lieut. Edson, and halt them at a place called "Carrasales [Carrizal, meaning reed grass], supposed by our guides to be distant about thirty miles.

By 9 P. M. he had also decided to lay in camp to-morrow

26. In keeping with Lazelle's statement of distance, "Lake Betra" should be the Ojos de Los Adjuntas on the map. From that point the expedition marched northwestward to Carazillo (Carrizal) Spring.

to await the result. Thank fortune I will be lazy *one* day at leaste,—and that's to-morrow which never comes,—

May 6th

But in this particular instance, May the 6th though not perhaps, *to-morrow*, happened to come—Its dawn aroused me from bygone scenes, only realized again in visions, and enchanting dreams of hoped for pleasures and happiness, once more to sickening realities. I rose from my bed, threw up the fronts of my tent, and as I gazed upon the struggling dawn of a glorious day, felt as though indeed I could see *Nature* blush at having ever permitted man to view in all its nakedness, this ill stared [starred?]-deformed and wretched, featus of creation — This antedeluvial surface, belonging to an era of a thousand ages below the famous "Old red sandstone" deposits, and which seems but a half finished work from the mighty hand of Jehovah, thrown aside in utter disgust at its worthlessness. What a strange wonder, — it almost seems — that the blazing splendors of that glorious orb, even in its magnificent generosity, are ever distributed in this undeserving spot. — Were it under the control of the folly of the wise, it would never be — Is this then a portion of that broad domain of splendid *surface rule*, which has so long been the theme of dangerous and fearful contention that shakes and totters the vastly massive, but unfinished structure of our great Republic? Shame be on Northern fanatics and Southern mad-men, those political fools who stand disputing, and endangering the happiness of millions for the possession of a curse! It is a living Cato, in its mute reproach,—a slur upon our wisdom, — a mark, as of Cain upon our understanding, and cooler judgement, which ever exposes us like Canaans curse to the scorn and ridicule of enlightened Europe, and the *pity* of a civilized world. It militates against those very principles for which we contend, as its terrible results would place in worse than African slavery one portion of our great nation: and when we excuse, by the assertion of an involved principle, we betray as a people a paucity of intellect which would disgrace a beggared lazer-one. I sank back in deep disgust as I thought what part I

was playing in this mighty but fearful drama; — I for once, wished for that period to come, when swords should be beaten into plough shares and spears into pruning hooks, and when men should learn war no more. Passed the day in reading, writing, and reflection.—Made a few sketches.—Col. Miles, our commander this evening, held a sort of “heunta”, [junta, a meeting] greatly prolonged, consisting of four of our would be guides, and “Cal Robinson” the interpreter. The answers to questions propounded relative to our precise position, and their knowledge of the various landmarks in our vicinity, consisted principally of “*quien sabe*,” [who knows] and “*yo no se*,” [I do not know] which placed in most profound mystery every thing relative to latitude and longitude—

We finally retired in a mood quite pleasant as he did in a perplexed one, at a course which is obviously the only one for him to pursue, viz. to go on, and which we suppose the morning light will find him following—

May — 7th

Found us as was predicted, not on the eve, but the morn of departure. The day clear and cloudless; the heat intense and the dust as suffocating and stifling as the ashes of a burning Vesuvius. While marching we moved rapidly but the great fatigue of the men consequent from the heat and sandy soil, required frequent halts.

Quite early in the afternoon I was dispatched with a small escort to proceed on to the camp of Capt. Clairborne, and arrange for the disposition of the troops. I arrived there about 6 o'clock P. M. far in advance of the command which came in so late as to compel them all to take supper at quite a fashionable hour. The estimated distance marched to day was thirty two miles, and the whole of it was dull, stupid, and devoid of incidents, if I might except that of killing a rattle snake with my sabre, the second one which I had seen during the Scout. Yesterday the Colonel sent out a Sergeant with ten mounted men, with orders to search for water, within twenty miles of our camp, and as near the trail of our *intended* direction as possible. To day at about 7 P. M. they

came back without their guide, whom they reported as having left them to ascend a neighbouring mountain to ascertain the direction of the trail, but like Moses he did not return and they left him to find his way back as best he could. He came in a few days after.

I forgot to state that Capt. Clairborne, sent back water to our command in the canteens of his own men to-day when he learned that we we[re] coming; it was greatly needed by our suffering soldiers and had it not been for this well timed relief it would have been impossible for some of them to proceed, so exhausted were they from fatigue thirst and heat: as it was, upon the distribution of the few precious drops, among the men they fought with each other for it, even after its division among them—

At four P. M. we had recrossed the boundary into the United States—

May the 8th

Passed the day in camp to give both men and animals an opportunity to recruit— Many of the soldiers are suffering from dysentery, and, “fever and ague”. The backs of the animals both horses and pack mules, are very sore, and many of them cannot be packed, they are so raw and swollen. Was somewhat amused, but thoroughly disgusted to-day in listening to the ever running tongue of Capt Clairborne whose vulgar personalities, and fulsome conversation render him, unless he is under restraint, of ladies more refined presence, an object to be loathed and shunned. For I believe that he can but be regarded as an accomplished blackguard formed by Nature and perfected by Art. The nights are excessively cold, freezing water, to the depth of half an inch and for want of a sufficiency of blankets I have suffered much. My amiable mess mate Steen, is continually thinking of his wife and child, (poor de-l) appears melancholy and wishes himself at home—

“But sweet is the hour, Oh! passing sweet.”

“When the the girl he loves, again he’ll meet”!

There are so many inconveniencies attending the married life of an officer of the army of low grade, that I cannot but

regard his position an unfortunate one.— But strange to say he pities me! But as the immortal Sam Weller²⁷ has so truly observed, “There is no accounting for tastes”. Perhaps after all, that same profoundly speculative but astutely analytical philosopher, may yet arise, who may be able to demonstrate, that a great equilibrium of happiness exists, in every state of society, and mode of life, throughout all the nations of the earth, which is every where equal, and universal: resulting from the gratification which results, or the ills which man suffers, from following, such a manner of living, and occupation, as shall from the idiosyncrasies of his constitution, both mental and physical, seem to him best suited for his happiness—

May 9th

Remained in camp until four P. M. when we “struck tents”, and followed the three cavalry companies, who had started one hour before us, in the direction of the “Ojo de la vaca”, or, *cow spring*, (!) which we, and the guides, supposed to be distant about forty five miles, on the great Pacific trail. Our guides were, all of them, living exemplifications of that philosophical paradox, advanced by an ancient Metaphys[i]-cian, that “All that is known to man, is, that he knows nothing.”²⁸ They were all in profound ignorance of our position, and we, in regard to it, were all enveloped in one of those delightful mysteries, which gives full play for the imagination, and in which it loves to roam— Yesterday, scouts were sent out in various directions, by detaching por-

27. Sam Weller is a humorous character in Charles Dickens, *Pickwick Papers*, and other writings. The nearest approach to the sentiment credited to Sam that could be located follows:

“What’s your name, Sir,” inquired the judge.

“Sam Weller, my Lord,” replied that gentleman.

“Do you spell it with a ‘V’ or a ‘W,’” inquired the judge.

“That depends upon the taste and fancy of the speller, my Lord,” replied Sam. . . .” The Posthumous Papers of the Pickwick Club (The Heritage Press, New York).

However, it is “A familiar English quotation, probably classical in origin. *De gustibus non est disputandum*, There is no disputing about tastes.” *The Oxford Dictionary of English Proverbs* (Oxford, 1935).

28. The ancient metaphysician was no doubt Socrates:

“Socrates said, our only knowledge was,

‘To know that nothing could be known.’”

Lord Byron’s *Don Juan*, canto VII, no. 5.

In Plato’s *Phaedrus*, Socrates states, “who am well aware that I know nothing. . . .”

tions of each of the companies present, the object of which was to ascertain the direction of our intended march, and if possible to discover water; but it was a total failure, as none was found and no information gained. So we started blindfolded as it were, and to facilitate an operation of this kind, we intended to perform the greater part of our journey in the night.

We traveled until one o'clock on Sunday morning, following the trail by the light of a faded young moon, which together with the cold night air, rendered the march both novel and pleasant — We then stopped: and "picketing" our animals, and establishing guards, lay down to rest a few hours in a sort of ravine. Here I discovered, much to my vexation, that I had lost my tobacco bag, (which had hung upon the pommel of my saddle) by the foolish frightened antics of my horse during the march. I determined immediately to go back, until it should be found, however far, and accordingly started alone. I had not occasion for quite so much courage and determination however, for after a careful search of only about two miles, I discovered it lying on the trail.

Eagerly clutching it, I jumped onto my horse and rode rapidly back, inwardly cursing the ill luck which Sunday always seems to bring me — But my private opinion, is, that the cause has been invariably, with myself. I was however soon asleep, with a blanket around me, forgetting, and, (if others were like me,) forgotten—unconscious alike, of cold and bad luck.

The morning of ———May the 10th found me benumbed, stiff and lame, in all my limbs, and with the most excruciating pain in the thighs, and back. We started at day break and by dragging my "slow length along" at a walk, at last got up sufficient circulation to enable me to ride with a degree of tolerable comfort—

After traveling about five miles the doctor, and myself, concluded to take one of the guides and go on in advance of the column. After proceeding about five miles we met some of Capt. Clairborne's men returning with a supply of water for our soldiers and were informed by them, that the "spring," was about eight miles distant. We moved on as

rapidly as our jaded animals would permit us, and arrived at 11 A. M. at the water so long wished for, where we found the three companies of Mounted Rifles who had preceded us. This place named "Cow-spring" is nothing more than what was formerly a "buffalo wallow" in the middle of the prairie, a miserable boggy hole, with a little black dirty water, strongly impregnated with lime—

But we were too hungry to criticize this much, and it was all soon forgotten in an immediate prospect of breakfast which the officers already in camp were having prepared for us. Having satiated myself, to my hearts content, I should have been *very* happy, if I could only have had the blessed privilege of a bath, for we were so completely enveloped with a covering of dust and dirt, that every organ of sense was completely closed, with the solitary exception of my mouth, which I am delighted to state, had opened very readily upon the arrival of food and water— Neither of which had disturbed its repose since the afternoon of the previous day— We found here, a party of emigrants making their way to San Antonio Texas, from California. A harder looking, rougher, or more weather beaten assembly of white people I never saw. One gratifying sight, however, was that of a woman: She was not very fascinating however, and her distinguishing mark from the males of the party was a garment, like a petticoat, and a baby which was from its appearance quite a recent importation. However from all appearances "*both* Mother and child were doing well," for I suppose that the term might apply as well to her, as to those of her sex who consider themselves more fortunate—

Here also we found the mail wagon from Tucson [Tucson] near Sonora, en route to Fort Thorn with its party in camp. This gave to those of our command an opportunity for writing "to the loved ones at home", and many availed themselves of it—

The day continued as it had commenced, cold dusty, and disagreeable. But there was a sort of satisfaction in the thought, that we had completed a march of forty five miles without water, and in nineteen hours from the time of starting.—

May 11th

Morning cold, and clear,—severe frost last night,—and to continue this weather cronology I should say.———windy
———cloudy———with *signs* of Snow——
However I did not propose when I commenced,—an almanack of the weather, or a meteorological chart of the climate, and perhaps that hereafter, I shall only mention it when I think it particularly unpleasant: certain it is, however that in this section of the country, the season is, at the very least, one month later as regards vegetation, than at Fort Bliss; there being hardly a green thing except here and there, a few tufts of grass, which have lifted their cheerful heads near the water's edge, or a few trees, which have had the hardihood to venture forth with an early offering of a poverty of blighted buds, to a surly faced and ungrateful, Spring—which has'nt even the courtesy of a modest beggar (?) And there is *nothing* beautiful, except a large and lovely white flower which *I* have called the "*prarie lilly*" so graceful and modest is it, and so very fragrant

It appears in fertile spots, and near water holes and is here the only pleasant relieving object to the eye
We passed this morning to the west of the "Hannas [Janos] and Coppermine road," which was made many years since, by freighters from the Coppermines,²⁹ in N. Mexico, to Hannas in Chihuahua.

(*To Be Continued*)

29. The Santa Rita Copper mines are located about ten miles east of present day Silver City, New Mexico, in the southern part of the Pinos Altos range. The mine was worked by the Spanish as early as 1804. For an early description see Bartlett, *Personal Narrative*. . . , I, 178f, 227f; Samuel Woodworth Cozzens, *The Marvellous Country*, p. 51 (Boston, 1891).

PINOS ALTOS, NEW MEXICO

By R. S. ALLEN *

Pinos Altos

AMONG the archives of the Mexican government in the city of Chihuahua, it is said that there are records of the discovery of gold in the Pinos Altos mountains, by Gen. Pedro Almandaris,¹ one of the commandants of the then Mexican outpost known as Santa Rita. That which attracted the attention of the Mexican government, to this then isolated spot, was the practically inexhaustible supply of native and red oxides of copper. The labor employed was convict, and the handful of troops, then stationed there performed the double duty of guarding the convicts, and protecting not only themselves but the miners from the daily incursions and attacks of the Apaches. Shortly after the close of the Mexican war and the conclusion of the treaty of Guadalupe Hidalgo, Santa Rita was garrisoned by a detachment of the old 8th U. S. Infantry. After the occupancy by federal soldiers, the old Spanish and Mexican fort became a general outfitting post in the great wilderness of plains and mountains bounded on the west by the Colorado River, on the north by Santa Fe, and on the south by Franklin (El Paso), Texas, and Paso del Norte, Old Mexico, an area which equaled that of the New England states, and an empire in the vastness of its diversified, mineral, pastoral, and agricultural resources.

Discovery of Gold

The first tangible discovery of the precious metal was

* The title page of this old article reads as follows: *A Summary of the History of Pinos Altos, Grant County, New Mexico*: The most productive gold and lead-silver bearing regions in the great Southwest. Its mines and mining resources from discovery to date. By R. S. Allen, Pinos Altos, N. M., 1889. *Silver City Enterprise* Print.

A copy of this article was submitted for reprinting by Mrs. Lucile M. Gray, Silver City, New Mexico.

1. Spelled Alamendares. Fayette Alexander Jones, *New Mexico Mines and Minerals* (Santa Fe, The New Mexican Printing Co., 1904) p. 47.

made on the 18th day of May, 1860, by Messrs. Snively, Birch, and Hicks, three adventuresome and daring prospectors, who outfitted at Mesilla, and in their journeyings westward, replenished their supplies at Fort McLain, (Apache Tahoe),² and afterwards at Santa Rita. Pursuing a westerly course from the latter and last outpost of civilization they forged ahead, and on the second day out, Birch, the leader of the party, discovered free gold in Bear creek while in the act of drinking from the stream. The site of the discovery is in the near vicinity of the Mountain Key mill, just above the junction of Little Cherry creek with the Bear. On making known to his companions the nature of the find, the ground was prospected and the value and extent of the placer ascertained, as far as the means at hand would permit. Returning to Santa Rita, ten miles distant for supplies, the news was confided while en route to the Mastin Brothers and Langston, who were then in the employ of Leonardo Siquieros, a lessee of the Santa Rita copper properties. Returning to the discovery it was christened Birchville in honor of the discoverer. The month of September following saw over 700 men in the new field, all more or less engaged in washing gold in the gulches and arroyos tributary to Bear creek. The first year was devoted exclusively to placer mining. This year the Atlantic and Pacific mines were located and in 1861 the surface ores were ground and amalgamated in arastras, Thomas Mastin alone running ten, on ores from the Atlantic. Aside from location nothing in the line of development was accomplished on the Pacific. The early summer, noted the discovery of the Locke lode now the Mountain Key, which was mined principally for the chispas or nuggets obtained in the surface quartz. At eight o'clock on the morning of the 22nd of September, a large force of Apaches numbering at least 400 under the immediate command of Cochise, attacked and made a bold but unsuccessful attempt to drive the settlers out of the country. Capt. Thomas J. Mastin, of the Arizona scouts, C. S. A., consisting of nine men, quickly rallied his troop, and the miners rapidly placing themselves under his command, the fight became general.

2. Usually spelled Tejo. Lucile M. Gray.

The country was heavily timbered with little or no underbrush to impede or retard the movements of friend or foe. The Apache right rested along and near the crest of the ridge of the present townsite and extended in a northerly direction a distance of half a mile to a point near Skillicorn's mill. The main and hottest part of the fight until its close, one p. m., every foot of the ground was stubbornly contested. At twelve o'clock Mastin fell mortally wounded and died a few days after. At one, the Apaches retired with a loss it was afterwards ascertained of fifteen of their warriors. The loss of whites, was three killed including Mastin,³ and seven wounded. During the fight a dog belonging to Carlos Norero, grappled with and succeeded in killing an Indian, and ever after was regarded as the hero of the day. The day following, the whites almost deserted the country, some going north to join Union forces and others casting their fortunes with the confederacy. On the White Water the fleeing miners were again attacked by the Apaches, presumably the same band, and coralled for two days, most of the time being without food or water. Couriers were sent via Santa Rita, thence to the Mimbres, and Lt. Swillings of the Arizona scouts, came to their relief and the party proceeded to the Mesilla valley. Santa Rita, San Jose, and the Hanover copper mines were abandoned shortly afterwards. From the opening of the civil war, up to the present time, Birchville has been known as Pinos Altos, so named by the few remaining Mexicans, and signifying tall pines.

The succeeding months were uneventful, and not until December 25, '61, was there anything unusual to disturb the even tenor of the daily occupation of the prospector and miner. Christmas Eve, occurred the first murder. A man by the name of Wm. Dike in the employ of the Overland Express Company, was the victim. Another by the name of Taylor held a grudge against him (Dike), and with his friends, while Dike was dancing, opened fire. Several shots

3. "Col. Thomas J. Mastin, the commander of the whites, was wounded and died of blood poisoning the seventh day after the fight. A party of twenty-five men went to Mesilla for a doctor, but before their return in five days the trouble had advanced too far to be checked." (Anderson, George B., ed.) *History of New Mexico; Its Resources and People*. N. Y. Pacific States Publishing Co., c1907. v. 2, p. 726.

were exchanged, Dike being killed, and Taylor wounded. Taylor escaped and went to Old Mexico, and is presumably residing, if living, in the near vicinity of Corralitos. During the month of February, 1862, a conflict of opinion arose between the Mexican and American miners, the latter insisting that the Mexicans should not locate their claims along the channels of the main gulches. The Mexicans, believing they were strong enough, made preparations to take the camp, and but for the timely interference of Don Manuel Leguinazabal, who prevailed upon the Mexicans to desist and a bloody conflict was averted. Following in rapid succession another episode in the history of the camp occurred. Quite a large number of mules had been stolen and believing the Indians to be guilty, a party was hastily organized, which proceeded to the Rio Mimbres, and attacked a small rancheria and killed three Indians.

The years of '62, '63, and '64 were noticeable as being years of peace and plenty. The settlers, principally Mexicans, concluded a treaty with the Indians, and trading with them was an every day occurrence. During the latter part of the summer of '64, the Bean treaty of peace was proposed in the hope that it would prove everlasting and final, inasmuch as the Indians were restless and disposed to take the field. A fine dinner of beans with other accessories of a square meal, was set for the Apaches, numbering sixty, in a house since destroyed, near the present residence of John R. Adair. Everything being in readiness, and while the Indians were discussing the merits of the beans, the settlers fired on them, killing several, the rest escaping undoubtedly with the conviction that beans garnished with powder and lead, was a very unpalatable dish. Sixty-five was a quiet year, but woe betide the prospector who ventured half a mile from the centre of population.

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Kansas City, Mo.

The Second Stampede

The second stampede for the now famous gold diggings, occurred in 1866 and adventurers and prospectors from all parts of the world flocked in, and new locations and discoveries of rich gold bearing quartz, were every day events in

the history of Pinos Altos gold region. July of this year Virgil Mastin brought in a 15-stamp mill; also a saw mill. The Atlantic furnished ores for the stamps, and the immense forests of pine and juniper, logs for the saw mill.

Before the summer was half spent, every available animal in the country was made to do duty in furnishing power for the arastras, of which it is said there were over seventy-five in constant operation, no attention being given to nights or Sundays. The yield of gold paid the expensive items of transportation, mining, and milling, besides leaving handsome sums, often averaging ten dollars—and frequently a greater balance was realized—per day to the man employed in extracting the ore. The locations of note following the re-location of the Pacific, were the Aztec, Asiatic, Ohio, Pacific No. 2, Mountain Key, Mina Grande, and others of lesser note. The winter of '66 and '67, was quite mild, and the long evenings were devoted to the discussion of topics of the day, and the early selection of Pinos Altos as a port of entry. Depredations by the Indians were of daily occurrence, and on the night of June 16th, 1867, a band of Navajoes succeeded in driving off thirty-one yoke of cattle belonging to Hartford and Graves. A troop of prospectors and frontiersmen were soon in the saddle, and taking the trail followed it one day and when they returned, that evening, the 17th, a company of fifty men was organized under the leadership of Richard Hudson. On the 20th the trail was again resumed, and on the 24th at San Juan Springs—so named in honor of San Juan's day—a small rancheria, commanded by Jose Largo, a noted chief, and constituting the rear guard of the main band, was discovered, and a running fight ensued in which thirteen Navajoes were killed and seven taken prisoners, among the former was Jose Largo. On assembling his command, Colonel Hudson ascertained that his losses consisted of the cheek of one of his troopers being grazed by a bullet. That night the Indians surrounded the camp and entertained the little troop with the most unearthly howling and wailing that civilized man ever listened to. The prisoners save one escaped, but as yet have not reported to the reservation at

Fort Defiance. In rapid succession another episode occurred common to the history of a frontier town, plainly but surely indicating that although in the absence of a regularly constituted law, that there is one unwritten, which, if utterly and persistently ignored, is terrible in the punishment inflicted upon the violator. Ben Dimond, for a very trivial cause, and in cold blood, shot down and murdered a butcher by the name of Schwartz. The nearest court was Mesilla, and the miners with that spirit of justice which ever actuates them, gave Dimond a fair trial. He was permitted to select his own jury and was ably defended and prosecuted by—now as well as then—prominent attorneys now living in New Mexico. He was found guilty as charged, and Dimond was sentenced to hang, and was hung at sunrise the morning following the trial.

During the years of '68 and '69 the Pacific mine alone furnished surface ores for thirty-one stamps, and the gold product surpassed the expectations of the most sanguine. The surface ores becoming exhausted, the machinery of the mill completely worn out in connection with the generally conceded fact that the base or sulphuret ores of the district could not be successfully treated under the stamps, the distance from the Missouri river, the base of supplies for mining machinery, induced the management of the Pinos Altos Gold Mining Company to suspend operations. The stamp mill suspension for a time disheartened the miners, but with their usual pluck and energy the arastras in disuse were repaired and the two and a half years following, the district was prospected throughout its length, breadth, and depth, until the surface quartz gave place to heavy sulphuret ores. The slow process of grinding had its disadvantages, and that which was injurious to the future prospect of Pinos Altos, proved to be of great advantage to the country at large. It stimulated prospecting though the summer of 1870 was noted for the discovery of immense deposits of silver bearing ores in the mountains adjacent to Silver City. The succeeding years of '71 and a portion of '72, the chief industry of the camp was in a languishing condition, and only revived through the enterprise of Messrs. Skillicorn &

Co. In the fall of '72 these gentlemen had in successful operation what is popularly known as Mud Turtle mill. It was a return to old principles, and the work accomplished by the primitive process of "arastraing" with the aid of steam power revived, for a time at least, the discouraged miners, and the hillsides again resounded with the echo of hammer drill and blast.

Cross Mountain north and east of the town was named, and the credit of placing an immense cross on the summit in honor of Queen Helene, who was supposed to have discovered the true cross, is due to the piety and zeal of Don Santiago Brito and the generous contributions of the citizens.

The mining excitement in the southeast spur of the Bear mountains drew heavily upon the rapidly decimating population of Pinos Altos, and at her very door the natural gateway to the treasure vaults of the Pinos Altos range, there sprang up in the almost incredible period of two years, the only rival the Tall Pine City is ever destined to have. Silver City sprang into existence as if by magic.

The county seat was transferred from Pinos Altos in 1872. The years intervening between 1872 and 1883 were uneventful, and all thoughts of the future development of the mines, centered in new discoveries, old working, in short, every place where a pillar of surface ore was supposed or known to exist, was "gophered" out and ground in arastras, and, as was occasionally the case, pulverized in hand mortars. Through all the years of doubt as to what the future might be, the mines have been self sustaining and have sustained a population noted for industry and good living.

In 1883 for the first time since the discovery of gold the aid of foreign capital was sought for and obtained. A new ten stamp mill was erected and provided with all the modern improvements, but the management was confined to inexperienced men and the result was a decided failure on the part of Messrs. Place & Johnson to make a success of that which was a plain proposition to milling men of experience.

The same year Peter Wagner began the erection of a

five stamp mill, provided with concentrators which was completed in 1884, and to him belongs the honor of first being able to treat the base ores of the Atlantic and other mines with success. The years 1885 and 1886, demonstrated beyond the possibility of a doubt that stamp mills provided with first class concentrators was the one thing necessary. Acting on this belief, Bell & Stevens soon placed the Place & Johnson mill in thorough repair and soon after was running on ores from the Mina Grande and other properties of the district. This success was the direct means of inducing Perkins & Lewis to inspect the mines of Pinos Altos and after a thorough and exhaustive examination, they assured the Atlantic under a lease and bond from Peter Wagner for a period of six months. The mine was placed in working condition and the yield of ore when stamped was a matter of surprise and congratulation to all parties interested. About the same time B. B. Lewis, Fred Banker and C. Miller purchased the "Deep Down," an adjoining property on the same vein which they opened and from development work alone, the mine paid for itself and all operating expenses.

The year of 1887 noted the final consummation of the most important transfer of mining property in the camp.

The Mountain Key, aside from the annual assessment, had remained idle for years, and would have remained unnoticed but for the enterprise of Lunger & Co., who leased and bonded the property. The ground was thoroughly prospected, the main shaft retimbered and sunk a distance of ninety feet before they realized a penny for the investment of their time and labor. Very rich ore was discovered which attracted the attention of capital, and through the efforts of General Boyle, the property was purchased, a stock company organized, and the work of exploration began in earnest. The policy of the management has been quite conservative, yet the development of the mine has been pushed forward without impoverishing the reserve. At a depth of 470 feet the vein is stronger, wider and as well, if not better defined, than at any time since the new management assumed control. The output to date aggregates \$185,000, which leaves a net profit to the stockholders of \$45,000.

Dividends amounting to \$30,000 have been declared, and when it is considered that the total has been largely drawn from development work alone, amounting in round numbers to 3,500 linear feet, it will be readily seen that legitimate mining property is a paying proposition, and in this instance shows a net profit of 24 1/3 per cent on the output of the mine, during the two years the company have owned it. The management has been confined to John Boyle Jr., who has shown during his administration of the affairs of the company, an executive ability of an exceptionally high order. The underground workings are under the immediate supervision of John Pritchard, a miner of extended experience and ability. The Mountain Key mill is a model of neatness, convenience and adaptability, in the treatment of the heavy ores of the mine for which it was constructed. The mill contains ten stamps and is provided with new and improved machinery for the rapid and effective concentration of ores. An abundant water supply has been secured through a system of pipes which have been laid from Mill creek springs to the mill, and the sinking of a shaft to, and in the bed rock with wing drifts running to the banks of the gulch forming an underground reservoir in the shape of an inverted letter T. This and one, or at the most two storage reservoirs at convenient and available places along the gulch, the question of an uninterrupted water supply for a ten or twenty stamp mill has been permanently settled. North of and immediately joining the Mountain Key is the

Western Group of Mines

consisting of four parallel claims, namely the Eastern, which has been opened by shafts, respectively 75 and 32 feet in depth. Less than a hundred feet distant in a westerly direction from the main workings, the croppings of the Mountain Key are easily discernible and traceable in the surface drift. The western vein has been opened by a cross cut tunnel, 152 feet in length, and drifts from the point of intersection of the tunnel with the vein, have been driven 130 and 90 feet respectively. Winzes to the surface, 125 feet, affords perfect ventilation. The El Dorado, No. 2, shows

several fine veins and on these forty feet of sinking has been accomplished, and the result has been a financial success besides the opening up of a strong and well defined vein of surface quartz. The Oro Fino, the westernmost claim of the group, is partially opened by a tunnel 30 feet in length. The property is finely timbered, and expert estimates, place the quantity as available for mining, steam and domestic purposes as amply sufficient for ten years. The water supply in its present stage of development, is inadequate for smelting purposes, but careful prospecting has shown that an abundance for a five-stamp mill may, at a trifling expenditure, be obtained. During these years the proprietors have driven over 800 linear feet, and this has been accomplished without outside aid, and the net returns of the gold values, taken from surface explorations, have averaged \$1,000 per man to each of the three proprietors, the Messrs. Osborne, Spils and Hirshberger, who are rated, and truly so, as three of the most fortunate miners in the territory. They are at no expense for labor, save their own, and the history of three years of toil conclusively demonstrates that there is a competence in gold awaiting them ready to take its place in the commerce of the world. A choice of a dozen veins, all carrying gold-bearing quartz in paying quantities, is at their disposal, but with all these advantages which would induce many a miner to set idly by and "bank" on the prospect of a sale, has no effect upon the owners of the Western. Theirs is a bank in which the prospect of a failure is dependent solely upon mother earth, and as there are no visible evidences of an eruption it will be many years before an assignment or an assignee is thought necessary for the owners of the Western. Adjoining the Eastern on its northern end line is

The Night Bird

the property of Wilkie, Weir & Mason. A shaft 61 feet in depth fully attests its character as a fissure vein of prominence and future value. The pay material ranging from eight to fifteen inches in width, compared with the gold bearing veins of northern states and territories is fully up

to the average, and with milling facilities on the ground it is probable that the returns would not only equal, but surpass in volume those of its neighbors. Water for a time past has materially interfered with the successful prosecution of the work of opening the mine, but now that this difficulty is a thing of the past, due advantage will be taken and the mine developed and opened for all its worth.

The Deep Down

Following the successful operation and capitalization of the Mountain Key Gold and Silver Mining company, Gen. Boyle and associates, notably D. C. Hobart, directed their entire time and attention to the Deep Down property, a noted mine, situated near the head of Atlantic Gulch, and about one and one half miles distant from Pinos Altos. The owners, Lewis & Co., had demonstrated in a thorough and practical manner, that intelligent development, would open up a new source of riches. With no other resources at command save their individual labor, the mine was reopened, re-timbered and made, through their untiring efforts one of the leading properties, not only of the district, but of the county. Negotiations were opened, and during the fall of 1887, the mine was purchased by a syndicate of St. Louis capitalists, who began and completed the following summer a ten-stamp mill, provided with the latest improved gold saving and concentrating machinery known to the science of milling. The management unfortunately have not been as practical in the administration of the affairs of the company, as the value of the property demands. Yet, it is a generally conceded fact, one too, which is born of the extended and practical experience of competent miners, that well directed, efficient and economical management, will make the Deep Down a dividend paying proposition.

The Osceola Group

owned by the Long Bros., for many years well known as among the most intelligent, active and successful miners in the carbonate regions of Leadville. With the energy char-

acteristic of the boys, they cast their lots, in what was then considered an unfavorable locality. This, however, did not in the least discourage the senior member, who with his many accomplishments as a miner, modestly adds to that, that of being a first-class geologist, mineralogist and assayer. In deference, possibly, to the old adage that porphyry is the mother of gold, and the absolute fact that contact veins having one wall of porphyry are uniformly rich in gold bearing minerals, may have been one of the inducements which led to a most careful and thorough examination of this particular locality. The theory indulged in that the veins of the Pinos Altos gold bearing zone not only extended to, but under the malpais overflow has been proven, and the coming years will open a new field of exploration, now that the key to the vein systems underlying the eruptive rocks has been discovered. The Osceola has been opened by a shaft sixty feet in depth and drifting a distance of seventy feet has shown well defined courses of ore which have a milling value of from one to two ounces of gold per ton, the concentrates assaying from \$50. to \$400. per ton. The north shaft of the Osceola has been sunk through the malpais and the results have far exceeded the anticipations of the owners, the ore being of a higher grade and the vein larger. Cross-cutting from the south main shaft has exposed a very fine vein of ore from which excellent results are obtained in arastras. The Lacrosse, Platina and Scientific belonging to the group, have been sufficiently explored to demonstrate their value as mining properties.

The Aztec

group consisting of ten contiguous claims, belonging to the Bailey Bros., was purchased by St. Louis capitalists during the early summer of 1887, and in September of that year the development of this mining estate, embracing within its boundaries of 200 acres of mineral land was begun in earnest. Thus far openings have been confined principally to the Aztec location. The workings have penetrated the mountains to a depth of 400 feet, and at this point—the bottom

of the shaft—the vein not only maintains its surface dimensions, but shows increase in value and quantity of ore produced. The Kleptomania, a spur or stringer, from the main or Pacific vein which runs through the estate, has been sunk to a depth of 175 feet, and the showing and output of the mine is flattering indeed. A tunnel, designed to tap the Aztec and Golden Era, is contemplated by the management, and when completed, will afford 500 feet of stoping ground at the point of intersection, thus avoiding the expense of hoisting and reducing the cost of mining to a minimum. The Gray Eagle, Aztec and Asiatic locations are the north extensions of the Pacific, and the surface indications and exposures in each of these properties warrant the prediction that when properly developed, the output and product will exceed the expectations of the most sanguine stockholder in the organization. The company have just completed a new 20-stamp mill, and are now in a way to realize on their investment of time and money in the development and exploitation of the group. The under-ground workings are under the immediate supervision of J. L. Tonkins, a practical mining man.

The Pacific Mine

was the first location of a lode claim in the Gold Region, embraced within the limits of Pinos Altos mining district, Lieuts. Swillings and Reem, of the Arizona scouts, C. S. A., being the discoverers. The mining laws at this period confined the locator to fifty feet in width, 25 feet on each side of the vein, and gave to the discoverer 100 feet on each side of the "Discovery," or 300 feet in all. As a natural consequence, the Pacific lode was divided up into 100 foot claims, and the method of mining them were not calculated to open up or develop a mine. The lode is well defined, strong, and varies from three to six feet between walls, and carries a vein of surface quartz ranging from 1 to 4 feet in width. A large proportion of this was treated in arastras and hand mortars, and not until 1867 when a majority of the claims were consolidated, was there any combined action on the

part of the proprietors to treat the ores methodically. During the winters of '67 and '68 the Messrs. Mastin, Griggs, Reynolds & Co. had 31 stamps in constant operation. The ore was mined at an expense of \$6.75 per ton; transportation, \$3. per ton, and milling, \$10. per ton; a total of \$19.75 per ton. The net profits derived from a ton after deducting all expenses, amounted to \$20. per ton. The gross product for the winter of the 31 stamps, amounted to \$250,000. During this period no account was taken of the base or sulphuret ores, amounting to several hundred tons, hence, owing to imperfect milling appliances, their values were cast aside as worthless, and during the seventies were sold to E. E. Burlingame now of Denver, Colorado. From the date of Application to issuance of U. S. patent in 1881, from the best evidence obtained the surface workings extending to a depth of 90 feet, the Pacific vein, proper, has yielded nearly or quite a million dollars in gold, and in this estimate no account has been made of the losses sustained in milling. The developments of the mine were desultory in their character, and merit the name of "Gophering," and not until the transfer to the Pacific lode Gold and Silver Mining Co., was anything attempted in the line of legitimate mining. The organization was effected in '87 and the inception and completion of a cross-cut tunnel 290 feet in length, intersected the main Pacific vein at a depth of 165 feet from the surface. From the point of intersection, drifts have been run on the vein in a northerly and southerly direction several hundred feet, and the reserves thus exposed, it is estimated, are sufficient to keep the company's stamp mill (20 stamps)—just completed—in constant operation for a year without impoverishing the immense ore bodies exposed. A cross cut tunnel about 100 feet north has been driven in a westerly direction, and outside of the side lines of the Pacific a very strong vein of gold-bearing quartz was encountered on the territory of the Pacific Fraction, the property of Perkins & Co. The general management of the mine and mill is under the supervision of Benj. Harrison, while the underground workings have been confided to James McQuarris, a miner of practical and somewhat extended experience.

Pacific No. 2

is the southern extension of the Pacific, and was located in 1867 by John Backus, and by him sold to the present proprietor, Wm. Skillicorn, in 1870. The main or working shaft is 270 feet in depth, and a noticeable feature of the mine throughout the workings, is that every drift and stope is in ore, having an average width of 2 feet, and milling at the rate of \$20. per ton. Occasionally free gold is met within appreciable quantities, and on one occasion nine pounds of ore was sold at the rate of \$100. per pound, and the pocket from which this was taken yielded \$5,000 additional. It is needless to add that this was not ground in an arastra or crushed in a stamp mill, but reduced in a common hand mortar. The daily output with the labor of four miners averages from 4 to 6 tons per day, and developments now in progress will increase this amount to 12 tons with a very light increase in the expense account incident to mining. \$500,000 is the estimated output from discovery to date.

The Pacific Extension

adjoins Pacific No. 2 on the west, and end lines with the Pacific on the north. When first discovered in 1867, the location was known as the Texas, and for a number of months was successfully worked by Captain Hulburt, the discoverer. On reaching base or sulphuret ores, which could not be treated under stamps or in arastras, the mine was abandoned. Following the relocation, other places were opened, and in 1881 a U. S. patent was applied for and obtained in due course of time. The owners, the heirs of the Reynold's estate in 1886, disposed of the mine to Bell & Stevens, the consideration being \$20,000. Since the purchase their labors have been confined to legitimate developments, and the results have exceeded their anticipations. The openings consist of two shafts respectively 226 and 111 feet in depth, and 300 feet distant from each other. Connections have been made by means of drifts, and from the north or main shaft a drift has been driven a distance of 220 feet on the vein and from south shaft 60 feet, making a

total of 560 feet of vein exposure. Throughout the entire length of the drifts the vein is continuous and as determined by milling tests, ranging from 20 to 100 tons has a value of \$25 per ton. The property since discovery, has been a producer, and an approximate estimate of the gross output will fall but little short of \$250,000.

The Arizona No. 2

was among the early lode discoveries, and prior to 1872 but little attention was given to legitimate mining. The object of the miners being directed mostly to the acquisition of the rich surface quartz for which the claim is noted. On the passage of the mining law of May 10, 1872, the property being abandoned it was relocated under the provisions of the act by John McDonald and has been owned and worked by him from that period to this. Tunnels and shafts aggregating 450 feet, constitute the developments, and it is a safe proposition to state that when the main tunnel is completed, Arizona No. 2 will become one of the leading producers in what may be justly termed the Pacific Group.

The Gold and Silver Ribbon

and south extension, is the property of A. S. McDonald. The lead is well defined, and in the past has produced an abundance of rich surface ore. This fact is attested by the open "cuts" extending the entire length of the claim. During the summer of 1886 it was relocated and afterwards sold to the present proprietor who has been engaged at intervals in exploiting this valuable property. The main workings consist of a shaft 100 feet in depth, and the crevice as exposed shows a width of three feet between walls, and has paid under stamps at the rate of \$22.50 per ton. The south drift has been driven on the vein a distance of 80 feet through a continuous vein of ore which carries a larger percentage of the royal metals than the ores found nearer the surface. The appointments about the mill are nearer the surface and are substantial in character and betoken the faith of the proprietor in the ultimate value of his property when thoroughly developed.

The Golden Giant Mine

figured conspicuously as a producer and bread winner in the sixties and seventies, and at the close of the latter decade, the ferruginous quartz which was uniformly rich in free gold becoming exhausted the "Old Family" lead which had furnished gold to an entire populace, was abandoned, and because, through its former record a prize worth looking after. Locations were made repeatedly, and through lapse of the requisite time required by the mining laws of 1872 to keep up the assessment, it became a subject of relocation, and frequently on a New Year eve several parties were on the ground waiting for the high hour of 12 to place a location on the place in a monument of stones, usually placed on the northeast end or southwest end line, as convenience suggested. The term "Family lead," as applied to this producing property, has a definitive origin in this, that during the Indian wars (and they were incessant for 15 years) it was customary, in short it was an absolute necessity which impelled a population of 150 souls to use the "Family lead," afterwards the "Gopher," so named by reason of the fact that not a pound of surface quartz escaped the rapacity of the Indian-ridden settlers. Not until 1887 did the mine receive that attention which its record as a producer merited, at which time the final relocation was made, and the present owners then and there determined to open it up and develop to the extent of their ability, and prove beyond the possibility of a doubt that the base or sulphuret ores possessed a value which could be determined by the ordinary stamp milling process. The result, summarized as follows: A main shaft was sunk to a depth of 245 feet and drifting from both sides of the shaft aggregating over 350 feet, together with a limited amount of stoping has yielded with a small force, over \$31,000 inside of thirteen months. The net profits as obtained from the superintendent and co-owner, Joseph Williams, is a trifle over 30 per cent, and in this connection it must be observed that surface improvements including buildings and hoisting machinery, are itemized accounts in the bill of expenses. The owners,

Coomer, Schutz, Newcomb, and Williams, appreciate the intrinsic value of their property and are working it solely with a view of exploring the old "Family lead" that it may become on extended development, one of the most noted producers in the district. If antecedents are taken into consideration in a mining sense, it will be observed that the Golden Giant has no cause for regret in reviewing its past history.

The Continental

bearing a record similar to the Golden Giant, was one of the many abandoned claims, and it too, was a subject in the dark and gloomy days of frequent incursion; the boys, of whom two or three were stationed as videttes and pickets to guard the laborers. The passing years following each other, passed in procession of the equinoxes, and not until the fall of 1887 was the full value, in a speculative sense, determined upon by the present proprietors, Messrs. Fox and Prichard. Both gentlemen being practical miners, careful examinations were made and the result, from limited capital, has resulted in 70 feet of an opening, showing 16 inches of quartz which has a market value as per assay and mill returns, affording a handsome profit over and above the expenses of mining, milling and transporting. A near neighbor is

The Kasson Mine

first located in 1867, by a miner named Wilson, who went under the sobriquet of Quartz Wilson, and was owned by the gentleman until 1870. The surface ores were manipulated under a spring-pole stamp, and the pulp was carried 150 yards distant, washed in a rocker and the yield oftentimes trebled the day pay of \$5 per diem of the employe. The old story base ores, caused the abandonment in 1870, and between that date and 1883, it was a clear case of abandonment and relocation. From 1883 to 1888, the title rested in Alva Mason, one of the time-honored and earlier residents of Pinos Altos. During the fall of 1888 the property was sold to a syndicate of Kansas City, Missouri capi-

talists who under the supervision of James Morehead, have developed the claim to a depth of 100 feet, and at the present writing, after securely timbering the shaft in a thoroughly substantial way at a minimum expense, his associates have the satisfaction of knowing that in the Kasson they have, for the capital invested, a veritable bonanza. The vein is well-defined, and the fissure at the surface, as at the bottom of the shaft shows distinct cleavage, and every indication now points that the vein is distinctively one of those claims which, under the present economical and careful management, will become on judicious development, a leading property.

The Golden Crown

one of the old standbys, was first located in 1861, and the returns from the arastra rapidly placed the property in the front rank as a producer, and in this instance as in others enumerated, when the surface ores were exhausted, the claim was abandoned. During the year 1887, a relocation was made by Peter Wagner and others, and for the first time legitimate developments began. The discovery shaft was sunk to a depth of 50 feet, and this exploitation of the vein demonstrated its strength, value and permanency. Twelve tons of ore from this shaft yielded under stamps \$12 per ton on the battery plates and tables, and the resulting concentrates possessed a mercantile value of \$60 per ton. The main shaft, now 95 feet in depth discloses a well defined vein of pay material varying from 4 to 6 feet in width. At right to the Crown and crossing the location, is the Golden Cross. The junction is 50 feet from the Crown discovery, and the point of intersection and surrounding area has for the last quarter of a century, been a favorite spot for the placer miner who delights in "patch diggings." The junction of the cross leads, with the general strike of the vein system of the country, has been regarded by the aboriginal miner as a sure place to find gold in its native state, and pending it came the expectation of disclosing it in mass and position. Croppings usually indicate what may be expected with depth, and now that the running of a drift has been determined,

we may reasonably expect that the junction of the two veins will afford rich stoping ground and good returns. The owners, Messrs. Baker, Laird & Co., are elated over present prospects, and will open up this flattering proposition.

The Beatrice Mining Company

was organized during 1886, mainly through the efforts of Capt. Davis. The property consists of several contiguous claims, and the 101 by reason of extended development, as compared with the others, is the principal vein of the group, and may be classed as the southern extension of the Golden Giant, one of the many notable properties lying within the Pinos Altos district. The developments consisting of shafts, drifts and cross-cut tunnels have been conducted with a view to a perfect and economical exploitation of the property embraced within the group. A 5-stamp mill with vanners for concentrating purposes has been erected, and the results, while not indicating a dividend success, are of that nature which justifies the expression that a liberal management on the part of the eastern owners, would soon place the property on a paying basis. In the same vicinity is the

Pindus Group

the property of B. Schaunder, who has, with limited and necessarily restricted means, opened up a very promising property. The Pindus, at a depth of 78 feet, is a finely defined vein with regular walls and carries a pay streak averaging from 6 to 10 inches in width, and is 40 inches between walls. The Ida Murphy has been prospected to a depth of 82 feet, and presents the same general characteristics as regards width of vein, value of ore, and permanence as a fissure vein as the Pindus. The San Domingo is opened by assessments only, and the showing for surface workings is very fine. Average assays show a value of \$40 per ton while selected samples have run as high as \$400. per ton. Arrangements are being perfected having in view extended development. This accomplished, the Pindus group will become a regular producer.

The Carlotta

is a mere prospect and adjoins the Golden Giant on the south. Judging from explorations on the northern neighbor, it is fair to assume that work of like character on this property will result in the exposure of mineral riches similar in extent to the Golden Giant. The next neighbor of the Giant on the north is

The Pride of the West

owned by Idus Fielder, a very prominent attorney in Silver City, a gentleman who has taken a great interest in the mineral development of the district. The openings are confined principally to shallow pits and open cuts, although the main working shafts of the claim has attained a depth of 54 feet. This has proved the existence of the same ore bodies found in the Giant and clearly indicates that the ore chute on the "Family Lead," has an extreme length approximating 3,000 feet which is a rare occurrence in the vein systems of this, or in fact, any other gold region in the United States.

The Mountain View Mine

The present year, 1889, witnessed the consummation of one of the most important mining transfers in the history of the camp. The property in question may be properly termed as The Mountain View Mine. It is a rare occurrence indeed to find a mine proposition which has yielded a net profit of \$15,000 over and above every item of expense attendant upon sinking a shaft 50 feet besides surface exploitations, such as open cuts and shallow pits. This is without parallel in mining, and it is extremely doubtful if there is another instance or record in the territories of Arizona and New Mexico, or the state of Colorado, which can make such a showing. The general strike of the vein is a little east of north and dips to the west at an angle of 25 degrees from the horizon. The mine was first located by a Mr. Moore, who took out \$12,000 in gold in a few days. The vein pinching, Mr. Moore concluded that the source

of supply was exhausted and sold the "Commodore," for such it was named, to a man named Mead, for \$10, and he, believing that it was worthless, sold the property to James A. Demorest, an old California miner. Mr. Demorest, in doing his assessment realized \$390 in gold, the only machinery employed to extract it being a hand mortar and a horn spoon. In this connection, it is a noteworthy fact in short it is a characteristic feature of the vein, and one that attracts the attention of mining men, is the continuity of the pay streak and the unfailing indications of a true fissure vein everywhere visible in the workings. From the surface to the bottom of the shaft, the vein is regular and well defined, and varies from 3 to 12 inches in width and has produced of first class ore to date, \$20,000. The south shaft for a distance of 80 feet, has been carried through country rock. At 83 feet in depth the regular Mountain View vein was encountered, and every indication now evidences that the rich ore chute in the old or discovery shaft not only extends to but beyond the main working shaft of the property. Careful estimates based upon actual exposures show that in sight there are over \$30,000 worth of first class telluride ore, and like amount of second and third grades which can be utilized with proper and convenient milling facilities. The promoters of the enterprise are Major James Buckner and Monroe Toby, Esq., who placed the property in New Orleans, and through their efforts the Mountain View Mining Company was organized under the laws of the state of Louisiana. The new company is composed of representatives of the city of New Orleans, and is officered by these men and competent miners.

The Ribbon

The north extension of the Mountain View is owned and operated by H. H. Stanley. The vein here, as elsewhere along the strike, is well defined, and inclusive of the Mountain View. Mill returns from 50 tons of ore show a mercantile value under stamps, ranging from \$17 to \$42 per ton. The mine considered as a prospect is certainly one of promise and merits close examination, and it is not improbable that

the plans for the future as now formulated will result in the opening of a very productive vein of high grade ore.

The Silver Hill

is the extreme southern extension of the Langston, one of the first discoveries noted in the development of the camp. The property belongs to the estate of John A. Morrill and Richard Hudson, and has been opened at various places along the vein, and the indications now point to what is generally conceded a demonstratable fact that the Silver Hill will, with depth become a prominent mining property. Two tunnels, respectively 175 and 40 feet in length, have been driven on the vein which ranges in width between walls from 30 inches to 3½ feet, and yields at the rate of one-half ounce of gold, 25 ounces silver and 20 per cent of lead per ton. The proposed narrow gauge road between Silver City and Pinos Altos will cross the location and will afford easy, rapid, and cheap transportation for the grade of ores which this mine furnishes.

The Bismark

is a near neighbor of the Kasson, and is situated near the western boundary of the granitic formations of the gold bearing area of this mining district. It is rated, and justly, too, as a property requiring only development to make it one of the most desirable mining claims in the neighborhood. Two shafts have been sunk on the vein to the depth of 70 feet. The vein has a uniform width ranging from 12 to 16 inches, which under stamps yields well and will make a paying proposition.

Minnesota

Easterly from the Golden Giant is the Minnesota, the property of Harry Fowler. A cross-cut tunnel has exposed a gold bearing ledge which has been exploited by means of a shaft to a depth of 80 feet. The ores have a milling value of \$40 per ton, and the reserves show a pay material stoping ground sufficient to run a 5-stamp mill. It is the intention of the owner in the near future to erect a mill of this ca-

capacity on the ground, the facilities of wood and water affording ample opportunity for works of this nature.

The Langston

The discoverer of the Langston lead, Lieutenant Swillings derived but little benefit from this valuable [property]. Many changes in ownership have been made, and the title is now vested in Hon. Thos. W. Cobb, who has expended several thousand dollars in opening veins along its strike by means of open cuts, and by shafts and tunnels. The claim is admirably situated for tunneling purposes, and it is purpose of the owner to continue the tunnel, and thereby open ground which will yield handsome returns on the investment of time and labor, when cheap smelting and reduction is the rule, and cheap transportation is afforded by rail.

The Ohio

lead belonging to Bell and Stephens lies well up on the eastern face of Pinos Altos mountain, and is immediately west of the Aztec group. The developments consist of well timbered shafts on the vein proper. The ores run well in gold, and the property is regarded as one of the best prospects on the mountain. The exploitations now in progress, have in view extended developments, and this fact accomplished, it is but a mere question of time when the Ohio will become a regular producer of first-class milling ores.

The Hope and Cross

under the management of Robert Kirk, is making an excellent showing. The owners, Messrs. Morehead & Co., have decided to open their prospect for what it is worth, and thus far the results have exceeded their expectations. The crevice is well defined and the ore vein has a milling value of \$30. per ton. A depth of 60 feet has been attained and the indications are very flattering, and it is now believed that 100 feet will open out into a rich and continuous ore streak.

The Fireside

claim is an inside location and constitutes a portion of the townsite of Pinos Altos. For years past, in fact, ever since the discovery of gold, every little arroya and gulch has been washed time and again, and the location today is a favorite place of the Mexican people to prospect for placer gold. Several veins have been noted, prominent among them is the Fireside. The prospect thus far shows remarkably well, and assays carefully taken indicate an average of \$30 per ton. The proprietors, Messrs. Buckner & Co., contemplate extended developments, and there can be no doubt that the Fireside will prove a bonanza of wealth to its owner.

The Mining Area

The gold mining area of the district is restricted in the main, to the basin of the Continental divide. It is a rare occurrence, indeed, in the mountainous systems of the continents of the two Americas, that a basin so called is a distinctly different drainage, and division area of the Atlantic and Pacific slopes. The northern, and a portion of the eastern contour of the basin is bounded by the Diavola range, and the southern and western by the Pinos Altos range of mountains. About midway of the extreme southern center of the depression, Bear creek has its source in the Mountain View claim, and in its course nearly or quite divides the Summit valley into equal portions. The eastern or Atlantic slope is drained by Whiskey creek, a name not altogether uneuphonious in the nomenclature of the miner and prospector as applied to streams, canons, peaks and mountain ranges. As determined by actual and accurate surveys by the Messrs. Powell & Brown, Deputy U. S. Mineral Surveyors at Silver City, the distinctively gold bearing area, both lode and placer, is from north to south three and one half miles, and from east to west, is two miles and a fraction, a total of seven square miles a plot of ground which in point of productiveness has no successful competitor in the annals of the mining world.

Formation

Considered from a geological standpoint, the rock systems of the gold area belong to the Cambrian, and is identical with the granite of the Adirondac basins, and a portion of the Blue ridge systems of North Carolina and Georgia. From all points of the compass radiating from the town as a common center the granites are overlaid with the eruptive rocks save in the Southwest, which in the vernacular of the country is termed, "Malpais." The southwestern rim, however, is overlaid with quartzites and limestones of undoubted Silurian age. On the western or Pacific slope of the basin, an immense porphyritic dyke is noticeable, and its trend deflects a trifle from the general strike of the leads, and the opinion obtains that this intrusion is the direct cause of the fracture, of the east and west fissures, or the cross veins of the district. Extended and critical examination will undoubtedly prove the correctness of this theory, and in a measure determine the age of the second system of veins which are destined to play quite an important part in the mining economy of the subject under consideration. Cross mountain, a very prominent land mark, is the great fault of this immediate region, and to this is directly traceable the anti-clinal which has given the veins on the Atlantic slope an easterly dip, and to those on the Pacific, an inclination to the west. Erosion which is quite marked, is due in part to glacial action, yet to the casual observer, it is noticeable that the atmospheric action together with those active agents—water and frost—have been, and today are important factors in the denudation of the friable granites of Pinos Altos basin; and these agencies have been the means of contributing largely to the wealth of the world through the medium of placer gold, once so common, and plentiful in every arroya and gulch in the district.

Placers

The decadence of the placer mining interests is not altogether due to the exhaustion of the mines, or any lack of interest in this important branch of mining. The date

of American and European occupation is a matter of history, but aside from this, evidences are not wanting which conclusively prove that anterior to the occupation of the country by representatives of the leading civilized nations of the world, there were a people who lived and existed here, and whom, as adjudged from a nineteenth century standpoint, were far in advance of the Apache whose mission of a conqueror was one of occupation only. It was not within his province when subjugating to prove it. It was not ambition to elevate the people whom the fate of war consigned to the cliffs, and made what today is known as the Cliff Dwellers, but simply to coerce, kill, and destroy every vestige of the semi-barbaric civilization which existed at that remote period, and which has been so aptly termed by Lt. Cushing and others, as the Apache conquest. Evidence of this occupancy by another people, are found daily, and the scriptural adage "That two women shall be grinding in the field, and one shall be taken and the other left," is exemplified in this, that the old metate and the mano indicate that not only the Toltec, but the Aztec as well, had made of Pinos Altos a home and a habitation. This being an absolute and positive fact, which is shown by the ruins of jacals and stone implements found near the claims, and we are confronted with the incontrovertible fact that the Aborigine of the country was a gold miner in the broadest sense of the term. How long they worked the surface placers, no record is obtainable; but that they worked is plain. Suffice that while the placers are in a supposed exhausted condition, it yet remains, that with improved appliances and the construction of reservoirs to preserve the waters from the mines and the rain fall, many hundreds of thousands of dollars lie in the ground awaiting the hands of capital, to become a portion of the world's wealth and treasure.

Lead Silver

If a line were drawn from the northeast to the southwest, with Cross Mountain as the initial point of the northern termini and the Steeple Rock Peaks as the southern, it would pass through a distinctively silver bearing area, confined as

a whole to the silurian limestones and quartzites with porphyretic dykes which crop at intervals for a distance of thirty miles. The geological conditions in several instances are quite favorable for the existence of immense bodies of lead, as those which are common to the lead area at Leadville and vicinity. The mineral zone as roughly outlined, varies in width from one-half to three miles, and the only surface croppings of lead, and its carbonates of note, are found on the western and northwestern slope of Pinos Altos mountain. Aside from the prospecting done in the vicinity of the Alpha and Omega, the principal claims, nothing of note has been determined, and it is an open question whether the pipe veins will open out into a bed or deposits of carbonate ores. The field for prospecting with diamond drills is a promising one and surface indications will undoubtedly lead some lucky company or prospector into an immense fortune.

The Alpha and Omega

mining claims were first located in 1867, afterwards abandoned and relocated in 1872. During that year smelting was tried but the enterprise was abandoned due to great cost of transporting the ore. In 1878 the claim was again located by the present owners Huston & Thomas. The developments consisted of open cuts and shafts and tunnels. The immense body of carbonate of lead and galena ore, ranges in value from \$15 to \$250 per ton. Recently several carloads have been shipped to smelter and the returns have been quite satisfactory.

The Red Lead

has long been known as one of the promising bonanzas of the mountains. Its presence was noted in the early days of 1861, and prospected, but, the results obtained did not warrant the prospector to risk his life or limb in the search for lead save for the purpose of casting into bullets for his rifle. The property is owned by Shute and Robinson who have opened the vein to a depth of 50 feet. The vein occurs between porphyry and limestone.

Elsewhere in this immediate district a number of prom-

ising locations have been made. Among them are the Crank, The Devil, and the Andrew Jackson, which are being opened by J. R. Hall. The Cleveland, owned by G. H. Utter, is said to be a fine prospect and runs well in silver, and carries a high percentage of lead.

Stamp Mills

There are four stamp mills in active operation: The Mountain Key, 10; Bell and Stevens, 10; Wagner, 5; and Skillicorn and Snyder, 5; these running heavy tonnage of ore. The milling facilities are better today than at any time in the history of the camp, and reflect great credit to the owners. Perfect success will not be obtained however, until some way may be found to utilize tailings and slimes.

Character of Ores

The ores of Pinos Altos are what is commonly known as base in other countries, but the percentage of free gold is much greater than that of the stamp mills in Gilpin county, the gold center of Colorado. It will be seen that in saving 80 per cent of the values by stamp milling and concentrating the adoption of the blanket sluice will very materially reduce the loss now sustained in the stamp milling process.

The cost of mining has been reduced, and the price per foot in driving drifts is now rated from \$3.75 to \$10. The cost of sinking per contract, is from \$5 to \$20.; timbering \$4 per foot; cord wood, \$2.75 to \$3.50.

Pinos Altos

as a town, is admirably situated for commercial or milling purposes, and the growth, while rapid during the year past, has been substantial. Upwards of \$90,000 have been expended in the purchase of lumber and the manufacture of adobes (sundried brick), in the construction of houses, tenements, etc. The inception of the building of a mining town, and the discovery of gold, conclusively demonstrates that the location of a spring, a streamlet, a creek or river by the Aboriginal population of a country as a rendezvous, is

indicative that aside from its value as a watering place, it possesses, first, a geographical value which, taken in connection with the topography of the surrounding country makes of the location a common center. The Indian with his limited knowledge of intrinsic values, can form no estimate of the locality beyond that which for the moment caters to his convenience and indolence, and the undeveloped resources of the country, to him are as the merest blank in an existence measured by the wants of the hour. The fact remains, however, that the inherent knowledge or instinct which prompts a savage recognition of value has led to the settlement of and building up of prosperous towns, cities, and villages. This fact is apparent in our midst, and because of this, today the most thoroughly American mining town in the territory has become the cynosure to which the attention of capital, culture, and education is being directed. The Aborigine left but the impress of his moccasined foot, the Spanish-Mexican disturbed the surface with a crooked stick, and the third era saw the great wave of civilization coming from the east, the north, the south, and the west, and wrestled from the hills and mountains, treasures of gold, silver and lead. It was the convenience of one, the rapacity of the other and the ambition of the third which created and builded Pinos Altos, the mining metropolis of southwest New Mexico and Arizona. The natural resources consisting of gold, silver and lead together with excellent grazing and agricultural facilities, as yet are but partially developed, and these industries are in their infancy. The development of these treasures, lying at our very door has given a new impetus within the past, and the new life and energy thus imparted will be followed by others equally as profitable, and the revival of new interest in the investment of capital and a slight addition to the faith which hitherto has sustained and aided us will usher in a new era of prosperity, more generous in its distribution and more permanent in its results, than the most sanguine of our prospectors and miners had ever hoped for.

Everywhere throughout the town there is an air of thrift and prosperity, based upon what has been accom-

plished in the past, and the citizen living within the charmed area of the gold-bearing region of the "Tall Pines" points with pride to the \$3,000,000 of gold which the placers and quartz ledges have contributed to the commerce of the world. The present facilities for treating ores will increase the aggregated product of nearly 30 years, and it is not assuming too much when the writer asserts that the year 1890 will present to the mining world an annual statement showing that \$3,000,000 is the yearly output of a long neglected and much maligned gold mining camp.

Notes and Documents

The letters below have been transcribed from microfilm copies in the library of the University of New Mexico. The originals are housed in the National Archive, Washington, D.C., among the incoming correspondence, superintendency of New Mexico, office of Indian affairs, old records. F. D. R.

Superintendency of Indian Affairs, Terry, New Mex.
Santa Fé, January 26th. 1856

Hon. Geo. W. Manypenny
Commr. of Indian Affs.
Washington D. C.

Sir:

I have the honor to acknowledge the reception of your favor of the fifth of December, in reply to mine of the twenty seventh of October, touching the matter of licenses to Indian traders. A few words of explanation appear necessary to justify what may seem an apparent disregard of the regulations for intercourse with the Indians, on my part.

The United States Courts, here, have decided that there is no Indian Country, in New Mexico, such as contemplated by the Act of Congress, and to which the Indian Intercourse act can properly apply. But under this state of things, all my predecessors in office have deemed it good policy, nevertheless, to grant licenses to those who wished to go among the Indian for purposes of trade, as it served to check such intercourse. But these traders, thus licensed, are of a different character from those known to the Indian Bureau, and who go among the Indians for a few days, or weeks at most, with a few dollars worth of grain or other goods. I could not see anything in the regulations that authorized the reception of a fee for the license, but as I found such had been the practice at this Superintendency, I supposed there was authority from the Indian Bureau for such a course. Since I wrote you upon this subject, I have granted another license upon the same terms, but the fees in both cases will be returned at the first opportunity. Almancera has long since returned from the Indians. I presume, and I have no doubt that before this letter reaches you, the person to whom the second license was issued will also have returned.

Enclosed please find the bonds from these two persons, but as the licenses were delivered to them, I have not got them in my hands to forward; neither was there any invoice of goods taken at the time.

In conclusion I have only to say that my action in this particular was in accordance with the practice of this Superintendency.

I remain,
Very Respectfully
Your obdt. Servant,
W. W. H. DAVIS,
Actg. Govr. & Supdt. of Indian
Affs.

War Department

Washington, February 18, 1856

Sir,

I have the honor to acknowledge the receipt of your letter of the 1st instant, with its accompanying communications from the Commissioner of Indian Affairs and Governor Meriwether of New Mexico, asking that the latter may be furnished with an escort on his return to Santa Fé, and that Captain R. S. Ewell may command it &c.

In reply I have to inform you that the escort will be furnished from recruits for the 1st Dragoons which will be sent to New Mexico in the Spring, and that Captain Ewell will be assigned to duty as requested by Governor Meriwether unless something, unforeseen, should prevent.

Very respectfully,
Your obt. Servt.
JEFFN. DAVIS
Secretary of War

HON. R. M. CLELLAND
Secretary of the Interior

Utah Agency, Taos, N. M.
August 9, 1856

Sir:

Herewith I have the honor to enclose copies of my letter to A. G. Mayers Indian Agent to the Pueblos of this Territory and one to Hon. D. Merriwether Superintendent Ind. Affairs and also copies of two letters received from Agent Mayers and one from Hon. David Merriwether Sup. Ind. Affairs. His Excellency has directed me to discharge my assistant assigning no reason than my letter to Agent Mayers of the 30. ultimo—I consider that it is actually necessary to have some one in employ to take charge of the Agency during any time I may be officially absent. I have applied of his Excellency to allow me to have some one for whose services I will pay.

I respectfully submit my correspondence to Agent Mayers to your honor for your examination. I assure you that it never was my intention to find fault of the manner in which Govr. Merriwether performed

his duty—and in my correspondence I can do nothing that should cause his Excellency to have any such opinion.

I have the honor to be
Very respectfully etc.

C. CARSON

Indian Agent

Hon. David Merriwether
Supt. Ind. Affairs
Santa Fe, N. M.

ERRATA

Lines 22 to 36, on page 3, and the first line on page 4 should follow line 17 on page 4.

Line 14, page 233, should read: Judge E. R. Wright

The Historical Society of New Mexico

Organized December 26, 1859

PAST PRESIDENTS

1859 — COL. JOHN B. GRAYSON, U. S. A.

1861 — MAJ. JAMES L. DONALDSON, U. S. A.

1863 — HON. KIRBY BENEDICT

adjourned sine die, Sept. 23, 1863

re-established Dec. 27, 1880

1881 — HON. WILLIAM G. RITCH

1883 — HON. L. BRADFORD PRINCE

1923 — HON. FRANK W. CLANCY

1925 — COL. RALPH E. TWITCHELL

1926 — PAUL A. F. WALTER

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FRANCE V. SCHOLES

ALFRED B. THOMAS

PAUL A. F. WALTER

CONSTITUTION

OF THE
HISTORICAL SOCIETY OF NEW MEXICO

(As amended Nov. 25, 1941)

Article 1. *Name.* This Society shall be called the Historical Society of New Mexico.

Article 2. *Objects and Operation.* The objects of the Society shall be, in general, the promotion of historical studies; and in particular, the discovery, collection, preservation, and publication of historical material especially such as relates to New Mexico.

Article 3. *Membership.* The Society shall consist of Members, Fellows, Life Members and Honorary Life Members.

(a) *Members.* Persons recommended by the Executive Council and elected by the Society may become members.

(b) *Fellows.* Members who show, by published work, special aptitude for historical investigation may become Fellows. Immediately following the adoption of this Constitution, the Executive Council shall elect five Fellows, and the body thus created may thereafter elect additional Fellows on the nomination of the Executive Council. The number of Fellows shall never exceed twenty-five.

(c) *Life Members.* In addition to life members of the Historical Society of New Mexico at the date of the adoption hereof, such other benefactors of the Society as shall pay into its treasury at one time the sum of fifty dollars, or shall present to the Society an equivalent in books, manuscripts, portraits, or other acceptable material of an historic nature, may upon recommendation by the Executive Council and election by the Society, be classed as Life Members.

(d) *Honorary Life Members.* Persons who have rendered eminent service to New Mexico and others who have, by published work, contributed to the historical literature of New Mexico or the Southwest, may become Honorary Life Members upon being recommended by the Executive Council and elected by the Society.

Article 4. *Officers.* The elective officers of the Society shall be a president, a vice-president, a corresponding secretary, a treasurer, and a recording secretary; and these five officers shall constitute the *Executive Council* with full administrative powers.

Officers shall qualify on January 1st following their election, and shall hold office for the term of two years and until their successors shall have been elected and qualified.

Article 5. *Elections.* At the October meeting of each odd-numbered year, a nominating committee shall be named by the president of the Society and such committee shall make its report to the Society at the November meeting. Nominations may be made from the floor and the Society shall, in open meeting, proceed to elect its officers by ballot, those nominees receiving a majority of the votes cast for the respective offices to be declared elected.

Article 6. *Dues.* Dues shall be \$3.00 for each calendar year, and shall entitle members to receive bulletins as published and also the *Historical Review*.

Article 7. *Publications.* All publications of the Society and the selection and editing of matter for publication shall be under the direction and control of the Executive Council.

Article 8. *Meetings.* Monthly meetings of the Society shall be held at the rooms of the Society on the third Tuesday of each month at eight P. M. The Executive Council shall meet at any time upon call of the President or of three of its members.

Article 9. *Quorums.* Seven members of the Society and three members of the Executive Council, shall constitute quorums.

Article 10. *Amendments.* Amendments to this constitution shall become operative after being recommended by the Executive Council and approved by two-thirds of the members present and voting at any regular monthly meeting; provided, that notice of the proposed amendments shall have been given at a regular meeting of the Society, at least four weeks prior to the meeting when such proposed amendment is passed upon by the Society.

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